


  
**FEDERAL REGISTER**  
 OF THE UNITED STATES  
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*Washington, Tuesday, November 18, 1941*

*The President*

CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES  
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the act of Congress approved on May 22, 1918 (40 Stat. 559), as amended by the act of Congress approved on June 21, 1941 (Public Law 114, 77th Cong., chap. 210, 1st sess., 55 Stat. 252) vests authority in me to impose restrictions and prohibitions in addition to those otherwise provided by law upon the departure of persons from and their entry into the United States when the United States is at war, or during the existence of the national emergency proclaimed by the President on May 27, 1941,<sup>1</sup> or, as to aliens, whenever there exists a state of war between or among two or more states, and when I find that the interests of the United States so require; and

WHEREAS the national emergency proclaimed by me on May 27, 1941 is still existing; and

WHEREAS there unhappily exists a state of war between or among two or more states and open hostilities engage a large part of the Eastern Hemisphere; and

WHEREAS the exigencies of the present international situation and of the national defense require that restrictions and prohibitions, in addition to those otherwise provided by law, be imposed upon the departure of persons from and their entry into the United States, including the Panama Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me as set forth above, do hereby find and publicly proclaim and declare that the in-

terests of the United States require that restrictions and prohibitions, in addition to those otherwise provided by law, shall be imposed upon the departure of persons from and their entry into the United States, including the Panama Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States; and I make the following rules, regulations, and orders which shall remain in force and effect until otherwise ordered by me:

(1) After the effective date of the rules and regulations hereinafter authorized, no citizen of the United States or person who owes allegiance to the United States shall depart from or enter, or attempt to depart from or enter, the United States, including the Panama Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States, unless he bears a valid passport issued by the Secretary of State or, under his authority, by a diplomatic or consular officer of the United States, or the United States High Commissioner to the Philippine Islands, or the chief executive of Hawaii, of Puerto Rico, of the Virgin Islands, of American Samoa, or of Guam, or unless he comes within the provisions of such exceptions or fulfills such conditions as may be prescribed in rules and regulations which the Secretary of State is hereby authorized to prescribe in execution of the rules, regulations, and orders herein prescribed. Seamen are included in the classes of persons to whom this paragraph applies.

(2) No alien shall depart from or attempt to depart from the United States unless he is in possession of a valid permit to depart issued by the Secretary of State or by an officer designated by the Secretary of State for such purpose, or unless he is exempted from obtaining a permit, in accordance with rules and regulations which the Secretary of State, with the concurrence of the Attorney General, is hereby authorized to prescribe in execution of the rules, regulations, and orders herein prescribed; nor shall any alien depart from or attempt to depart from the United States at any

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place other than a port of departure designated by the Attorney General or by the Commissioner of Immigration and Naturalization or by an appropriate permit-issuing authority designated by the Secretary of State.

No alien shall be permitted to depart from the United States if it appears to the satisfaction of the Secretary of State that such departure would be prejudicial to the interests of the United States as provided in the rules and regulations hereinbefore authorized to be prescribed by the Secretary of State, with the concurrence of the Attorney General.

(3) After the effective date of the rules and regulations hereinafter authorized, no alien shall enter or attempt to enter the United States unless he is in possession of a valid unexpired permit to enter issued by the Secretary of State, or by an appropriate officer designated by the Secretary of State, or is exempted from obtaining a permit to enter in accordance

with the rules and regulations which the Secretary of State, with the concurrence of the Attorney General, is hereby authorized to prescribe in execution of these rules, regulations, and orders.

No alien shall be permitted to enter the United States if it appears to the satisfaction of the Secretary of State that such entry would be prejudicial to the interests of the United States as provided in the rules and regulations hereinbefore authorized to be prescribed by the Secretary of State, with the concurrence of the Attorney General.

(4) No person shall depart from or enter, or attempt to depart from or enter, the United States without submitting for inspection, if required to do so, all documents, articles, or other things which are being removed from or brought into the United States upon or in connection with such person's departure or entry, which are hereby made subject to official inspection under rules and regulations which the Secretary of State in the cases of citizens, and the Secretary of State with the concurrence of the Attorney General in the cases of aliens, is hereby authorized to prescribe.

(5) A permit to enter issued to an alien seaman employed on a vessel arriving at a port in the United States from a foreign port shall be conditional and shall entitle him to enter only in a case of reasonable necessity in which the immigration authorities are satisfied that such entry would not be contrary to the interests of the United States; but this shall not be deemed to supersede the provisions of Executive Order 8429,<sup>2</sup> dated June 5, 1940 concerning the documentation of seamen.

(6) The period of validity of a permit to enter or a permit to depart, issued to an alien, may be terminated by the permit-issuing authority or by the Secretary of State at any time prior to the entry or departure of the alien, provided the permit-issuing authority or the Secretary of State is satisfied that the entry or departure of the alien would be prejudicial to the interests of the United States which it was the purpose of the above-mentioned acts to safeguard.

(7) Except as provided herein or by rules and regulations prescribed hereunder, the provisions of this proclamation and the rules and regulations issued in pursuance hereof shall be in addition to, and shall not be held to repeal, modify, suspend, or supersede any proclamation, rule, regulation, or order heretofore issued and now in effect under the general statutes relating to the immigration of aliens into the United States; and compliance with the provisions of this proclamation or of any rule or regulation which may hereafter be issued in pursuance of the act of May 22, 1918, as amended by the act of May 22, 1918, as amended by considered as exempting any individual from the duty of complying with the provisions of any statute, proclamation, rule, regulation, or order heretofore issued and now in effect.

<sup>2</sup> 5 F.R. 2145.

27

(the  
not be  
act of June 21, 1941, shall)

(8) I direct all departments and agencies of the Government to cooperate with the Secretary of State in the execution of his authority under this proclamation and any subsequent proclamation, rule, regulation, or order promulgated in pursuance hereof. They shall upon request make available to the Secretary of State for that purpose the services of their respective officials and agents. I enjoin upon all officers of the United States charged with the execution of the laws thereof the utmost diligence in preventing violations of the act of May 22, 1918, as amended by the act of June 21, 1941, and in bringing to trial and punishment any persons who shall have violated any provisions of such acts.

(9) Paragraph 6, part I, of Executive Order 8766,<sup>1</sup> issued June 3, 1941, is hereby superseded by the provisions of this proclamation and such regulations as may be prescribed hereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 14th day of November in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,

*Secretary of State.*

[No. 2523]

[F. R. Doc. 41-8576; Filed, November 17, 1941; 10:49 a. m.]

#### EXECUTIVE ORDER

##### AMENDING SECTION 2 OF EXECUTIVE ORDER No. 8833 DATED JULY 26, 1941

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States, the first sentence of section 2 of Executive Order No. 8833<sup>1</sup> of July 26, 1941, entitled "Authorizing Certain Employees of the Government to Acquire a Classified Status and Permitting Certain Positions to be Filled by Promotion, Transfer, or Assignment of Certain Employees" is hereby amended to read as follows:

Any position which is covered into the classified service by section 1 of the said Executive Order No. 8743 or which is now in the classified service, and which becomes vacant on or after July 1, 1941, may be filled by the promotion, transfer, or assignment of any qualified employee (1) who is the incumbent of a position which is covered into the classified service by section 1 of the said Executive

Order No. 8743, or (2) to whom section 1 of this order is applicable.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
November 14, 1941.  
[No. 8940]

[F. R. Doc. 41-8564; Filed, November 15, 1941; 10:20 a. m.]

#### Rules, Regulations, Orders

##### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

###### CHAPTER II—AGRICULTURAL MARKETING SERVICE

###### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

###### NOTICE RELATIVE TO AMERICAN UNION STOCK YARDS AND VICTOR SIMON SALE STABLE, BATON ROUGE, LOUISIANA<sup>1</sup>

NOVEMBER 17, 1941.

Whereas the American Union Stock Yards and Victor Simon Sale Stable was posted on March 28, 1938, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the American Union Stock Yards and Victor Simon Sale Stable is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the American Union Stock Yards and Victor Simon Sale Stable no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,  
*Assistant Secretary of Agriculture.*

[F. R. Doc. 41-8577; Filed, November 17, 1941; 11:21 a. m.]

###### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

###### NOTICE RELATIVE TO GRIDLEY AUCTION & SALES YARD, GRIDLEY, CALIFORNIA<sup>1</sup>

NOVEMBER 17, 1941.

To: B. E. Wedin and Ed C. Haecker, doing business as Gridley Auction & Sales Yard, at Gridley, California.

Whereas The Gridley Auction & Sales Yard was posted on February 10, 1941, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Gridley Auction & Sales Yard is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Gridley Auction & Sales Yard no longer comes within the foregoing

definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,  
*Assistant Secretary of Agriculture.*

[F. R. Doc. 41-8578; Filed, November 17, 1941; 11:21 a. m.]

#### TITLE 10—ARMY: WAR DEPARTMENT

##### CHAPTER VI—ORGANIZED RESERVES

###### PART 61—OFFICERS' RESERVE CORPS<sup>1</sup>

§ 61.4a Suspension of appointments in the Officers' Reserve Corps.<sup>2</sup> [Rescinded]

Attention of all concerned is invited to §§ 61.5 (a) (2) and 73.200 (c). (R.S. 161; 5 U.S.C. 22)

§ 61.5 Applications—(a) Applications for appointment.<sup>3</sup> (1) Applications for appointment as a Reserve officer will be submitted through the corps area commander to The Adjutant General in duplicate on W.D., A.G.O. Form No. 170 (Application for Appointment and Statement of Preferences for Reserve Officers), accompanied by such information as the applicant may care to submit.

(2) All applications for appointment in the Officers' Reserve Corps now being processed, or that may be received in the future, that are not in conformity with § 73.200 (c) of this title, will be considered as applications for appointment in the Army of the United States under the provisions of Public Law No. 252, 77th Congress, approved September 22, 1941. (R. S. 161; 5 U.S.C. 22)

##### CHAPTER VII—PERSONNEL<sup>4</sup>

###### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS

###### OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.200 Appointments; general provisions.<sup>5</sup>

(c) Effective at once, except as specified below, all persons commissioned as officers during the present emergency will be appointed in the Army of the United States:

(1) Qualified applicants selected for appointment in the Regular Army.

(2) Members of the graduating classes of the Senior Division of the Reserve Officers' Training Corps who qualify under current War Department regulations and instructions for appointment in the Officers' Reserve Corps.

<sup>1</sup> § 61.4a is rescinded and § 61.5 (a) (2) is added.

<sup>2</sup> This regulation also appears as letter A.G.O., dated Nov. 10, 1941, AG 210.1 O.R.C. (11-6-41) RB-A.

<sup>3</sup> This regulation also appears as letter A.G.O., dated Nov. 7, 1941, AG 210.1 (10-8-41) RB-A.

<sup>4</sup> § 73.200 (c) is added.

<sup>1</sup> 6 F.R. 3761.

<sup>2</sup> 6 F.R. 2741.

<sup>3</sup> Modifies list posted stockyards 9 CFR 204.1.

(3) Qualified graduates of Junior Units, Reserve Officers' Training Corps, established at essentially military schools, who are twenty-one years of age at time of graduation and qualified graduates of such units holding certificates for appointment as Reserve officers, who present such certificates within six months after the time they reach the age of twenty-one years.

(4) Members of the graduating classes of Aviation Cadets who, upon graduation, are recommended for appointment as Reserve officers. (Act Sept. 22, 1941, Public Law 252, 77th Cong.)

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-8575; Filed, November 17, 1941;  
10:35 a. m.]

## CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

### PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS<sup>1</sup>

#### BIDS AND AWARDS<sup>2</sup>

**§ 81.12 Opening of bids.** Pertinent questions asked at the opening will be fully answered and the examination of bids by properly interested persons will be permitted, provided the bids remain at all times in the personal possession of the officer opening the bids or his superiors, and provided such action does not unduly interfere with the conduct of Government business. (20 Stat. 36, 22 Stat. 487, R.S. 3710; 5 U.S.C. 218, 41 U.S.C. 8) [Par. 2b (5)]

**§ 81.13 Awards**—(a) **General**—(1) **How made.** The award will be made to the lowest responsible bidder complying with conditions of the invitation for bids, provided:

(i) His bid is reasonable, and  
(ii) It is to the interest of the United States to accept it.

(2) **Definitions.** (i) A responsible bidder is one who:

(a) Qualifies as such under the laws and lawful regulations governing the purchase of the articles in question.

(b) Has complied with all of the requirements of the invitation for bids.

(c) Is a manufacturer of or a regular dealer in the articles which he offers to supply.

(d) Is in position to perform the contract, and whose previous record for the faithful fulfillment of similar contract obligations does not justify determination that he is irresponsible.

(ii) A regular dealer is:

(a) An individual or firm who regularly carries a stock of the merchandise

bid upon and who has a warehouse or shop from which sales are made to the public or to the Government, or

(b) A bona fide manufacturers' agent who is regularly employed on a salary or commission basis by one or more manufacturers of the goods bid upon with authority to bind such manufacturer or manufacturers to a contract and who holds proper credentials which establish those facts.

(b) **Bids received after opening.** A bid received in the mail after the time fixed for opening but before award is made will be considered only when it is shown to the satisfaction of the officer authorized to make the award that the nonarrival on time was due solely to delay in the mails for which the bidder was not responsible.

(c) **Telegraphic bids.** Unless specifically authorized in the invitation for bids, telegraphic bids will not be considered, but modifications by telegraph of bids already submitted will be considered if received prior to the hour for opening.

(d) **Modification or withdrawal of bids by bidders.** There is no authority to permit a bidder to modify or withdraw his bid after the time set for opening as provided in the invitation, which time will not be delayed on account of such a request. Any such request by a bidder will be forwarded to the chief of the arm, service, or bureau concerned. If a bidder to whom an award is made refuses to enter into a contract, the contract will be offered to the next lowest responsible bidder and a report of the matter made to the chief of the arm, service, or bureau concerned.

(e) **Mistake in bid**—(1) **When the prices as entered on the bids are the lowest received but as clearly intended are not the lowest received.** When a low bid is received which when compared with other bids shows clearly that a bona fide mistake in the amount of such bid has been made, or does not show clearly that a bona fide mistake in the amount of such bid has been made but the low bidder alleges a bona fide mistake and furnishes the purchasing officer with evidence which in the latter's opinion sustains the allegation, such bids should not in any circumstances be accepted. In such cases the matter will be forwarded to the chief of the supply arm or service concerned, except that when there is either an emergency requiring that the contract be awarded immediately, or circumstances (such as the limited time allowed for acceptance of the erroneous bid or of the next low bid) which does not permit of sufficient delay to submit the case to the chief of the supply arm or service, if there is no room for doubt as to the price intended in the bid in which the mistake occurred, such bid will be entered on the abstract of bids at the prices clearly intended and the award will be made to the bidder who is then the lowest. A statement of the pertinent facts and any supporting evidence, together with reasons for receiving the intended bid and making the award ac-

cordingly, will be attached to and accompany the abstract of bids.

(2) **When the prices as entered on the bid are not the lowest received but as clearly intended are the lowest received.** When a bid is received which when compared with other bids shows clearly that a bona fide mistake in the amount of such bid has been made, or does not show clearly that a bona fide mistake in the amount of such bid has been made but the low bidder alleges a mistake, the matter will be forwarded to the chief of the supply arm or service concerned, except that when there is either an emergency requiring that the contract be awarded immediately, or circumstances (such as the limited time allowed for acceptance of the erroneous bid or of the next low bid) which do not permit of sufficient delay to submit the case to the chief of the supply arm or service, if there is no room for doubt as to the price intended in the bid in which the mistake occurred, such bid will be entered on the abstract of bids at the prices clearly intended and the award will be made in the usual manner. A statement of the pertinent facts and supporting evidence, together with reasons for receiving the intended bid and making the award accordingly or the reason for refusing to accept the bid intended as alleged by the bidder, will be attached to and accompany the abstract of bids.

(3) **When the lowest acceptable bid received is from a bidder who alleges a mistake but fails to submit satisfactory evidence to support the allegation.** (i) When a low bid is received which when compared with other bids does not show clearly that a bona fide mistake in the amount of such bid has been made but the low bidder alleges a mistake yet fails to furnish the purchasing officer with satisfactory evidence to support the mistake claimed, the purchasing officer may:

(a) If time does not permit, accept the bid as submitted and inform the bidder that he must perform under the tender and that failure to perform will result in a purchase against the bidder, or

(b) If time permits, forward the case as provided in subparagraph (e) (4) of this section.

(ii) If a bidder is compelled to accept a contract over his protest, he should be informed of his right to present to the Comptroller General, after performing the contract, a claim for such amount as he may contend is due in addition to the amount provided in the contract.

(4) **When a mistake in bid is forwarded.** When a mistake in bid is forwarded to the chief of a supply arm or service, the following should be clearly shown:

(i) A statement from the bidder declaring:

(a) That a mistake has been made.  
(b) How the mistake was made.  
(c) In what the mistake consists.

(ii) A statement from the purchasing officer as to whether notice of the al-

<sup>1</sup> §§ 81.12 and 81.13 are superseded.

<sup>2</sup> These regulations also appear in Army Regulations S-16, Oct. 24, 1941. Particular sections of the Army Regulations are indicated in brackets at the end of sections.

leged mistake was received before the acceptance of the bid.

(iii) A copy of the invitation for bids.

(iv) A copy of the bid wherein the mistake is alleged or appears to have been made.

(v) An abstract of bids received.

(f) *Discounts.* (1) In determining which of several bids received is the lowest, any discount offered will be deducted from the bid price under the assumption that the discount will be obtained, unless it is known with reasonable certainty that the Government cannot take advantage of the discount within the time specified.

(2) If, when bids are opened, facts become known which render it necessary to disregard a discount, a full statement of the facts and circumstances and of the reasons for the action taken will be entered upon the abstract of bids, provided, that such bid would have been the lowest bid received if the discount offered had been taken.

(g) *Rejection of bids.* The lowest bid as to price may be rejected by the purchasing officer if:

(1) The bidder does not qualify as a responsible bidder.

(2) The price is unreasonable.

(3) All of the essential conditions of the invitation have not been complied with.

(4) The bidder is at the time on the "Confidential List of Bidders to Whom Awards Will Not Be Made", as published by The Adjutant General.

(5) No guaranty has been required and the bidder is unable to furnish satisfactory evidence that he possesses the experience and equipment to perform his contract satisfactorily in accordance with the terms thereof.

(6) The grade, quality, or kind of supplies bid upon are not those upon which bids were invited.

(7) The bidder offers foreign materials or offers to use foreign vessels in effecting shipments to the oversea departments and the excess cost of satisfactory domestic materials or of the use of American vessels is reasonable.

(h) *Waivers of irregularities in bids.* Minor irregularities in bids should be waived when it is in the interest of the United States to do so. Failure to furnish a bid bond may be waived under certain conditions. (See 7 Comp. Gen. 568)

(i) *Equal bids.* (1) Where two or more bids are equal in all respects, i. e., as to price, cost of transportation, cash discounts, etc., and it is in the interest of the Government, award will be made by lot.

(2) Under the conditions stated in paragraph (i) (1) of this section, and when liquidated damages are provided, award will be made to the bidder offering the earliest performance.

(3) Under the conditions stated in paragraph (i) (1) of this section, and when the bidders have been requested in the invitation to state the time within which performance will be completed but no liquidated damages are provided, award may be made to the bidder offering the earliest performance or by lot as the interest of the Government may dictate.

(4) When award is made by lot and the information available shows that the products of a particular manufacturer is offered by more than one bidder, a preliminary drawing by lot will be made to ascertain which of the bids will represent that manufacturer in the final drawing to determine the award.

(5) As a result of the preliminary drawing, the field of the bidders for the final drawing is narrowed to one bidder only on the product of each manufacturer. This bidder may be the manufacturer himself or one of the other bidders offering his product, depending upon the results of the preliminary drawing.

(6) In the final drawing there will be included with the names of the bidders drawn in the preliminary drawing the names of any other bidders whose product is offered only by the one bidder.

(7) In the case of lumber, awards will be made on the basis of the special conditions in the invitation prescribed in § 81.10 (f) (6).

(j) *Correspondence and contact with bidders—(1) General.* Because of the established policy of decentralization of purchasing operations and the fact that the purchasing officer has available more information on his purchases than has any other office in the War Department, all purchasing officers are charged with the responsibility of making every possible effort to furnish legitimate information to bidders, to make complete response to their proper questions, and to explain to their satisfaction the action which has been taken by the War Department. If it is found impossible to do so, a complete report of the matter will be forwarded to higher authority so that if bidders apply thereto also, prompt action can be taken by it.

(2) *Furnishing of information as to awards made.* Subject to Army Regulations as to restricted projects:

(i) Purchasing officers will furnish to any bidder or his representative the names of the successful bidders and the prices at which awards were made on items on which the inquirer submitted bids: *Provided*, That the number of items and bidders is reasonable and that furnishing such information would not interfere with the work of the purchasing office.

(ii) If a written request is received from an inquirer who is not a bidder or representative of a bidder and the request is for a reasonable number of items, the purchasing officer may furnish the names of the successful bid-

ders and the prices at which awards were made.

(iii) In cases where requests require a large amount of work, the inquirer should be informed that a copy of the abstract of bids is on file in the purchasing office and in the office of the Under Secretary of War, Purchase and Contract Branch, Washington, D. C., where it may be seen by a representative of his office, if he wishes to call.

(iv) The foregoing procedure is not intended to apply to requests for general information as to purchases made over extended periods of time, such as one for information as to the number of shoes purchased during a year and the prices paid therefor. No general procedure is prescribed for such cases.

(3) *Notice of protest against award.* Notice will be given promptly to all bidders affected thereby of any protest or objection against the awarding of a contract to any particular bidder, in order that, if the parties interested so desire, they may take action in their own behalf before further steps are taken in the matter of awarding the contract.

(4) *When all bids are rejected.* When it has been decided to reject all bids and the lowest bid received is in excess of \$25,000, the purchasing officer will, if otherwise expedient, inform each bidder of the fact that all bids have been rejected and the reason for such action. (20 Stat. 36, 22 Stat. 487, R.S. 3710; 5 U.S.C. 218, 41 U.S.C. 8) [Pars. 5, 6a, 7, 8, 9, 10, 11, 12, 13, and 16]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-8561; Filed, November 15, 1941;  
9:28 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3861]

### PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BERLAND SUPPLY COMPANY, INC., ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.24

(a) *Coercing and intimidating—Competitors—By threatening boycott:* § 3.24

(b) *Coercing and intimidating—Customers or prospective customers—To maintain resale prices:* § 3.27 (d)

*Combining or conspiring—To enhance, maintain or unify prices:* 3.27 (h)

*Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e)

*Cutting off competitors' supplies—Threatening withdrawal of patronage.* In connection with the offer, etc., in commerce, of glassware, and on the part of respondent wholesalers thereof, respondent manu-

facturers thereof, respondent agents of said manufacturers, and respondent Hotel, Restaurant and Tavern Equipment Association and its members, continuing, entering into, or assisting each other in carrying out, any conspiracy, agreement, understanding, cooperative plan, program, concert or common course of action among said respondents, between any two or more of them, or between the officers, agents, and employees of any two or more of them, (1) to refuse to sell glassware to any person, partnership, or corporation; (2) to cut off the source or sources of supply of any person, partnership, or corporation, or hinder, impede, or handicap any person, partnership, or corporation in its efforts to obtain supplies of glassware for sale or resale in trade and commerce, or to otherwise deprive any person, partnership, or corporation of an opportunity to compete in the sale or resale of glassware; (3) to determine or designate who shall be a wholesaler of glassware and who shall not be in Milwaukee and the surrounding trade area or in any other trade area in the United States; (4) to coerce or persuade any wholesaler, retailer, or dealer of glassware to refrain from engaging in price competition in the sale and distribution of glassware in commerce; and (5) to limit the number of persons, partnerships, or corporations who may participate in trade and commerce in glassware or to limit or prescribe or seek to limit or prescribe the rights of any such person, partnership, or corporation to conduct trade and commerce according to its own free will; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Modified cease and desist order, Berland Supply Company, Inc., et al., Docket 3861, November 10, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of November, A. D. 1941.

This matter coming on to be heard by the Commission upon the request of respondent Anchor-Hocking Glass Corporation, by its attorney, that the cease and desist order entered in this case by the Commission on July 9, 1941, be modified, and the Commission having duly considered the matter, and being now fully advised in the premises;

*It is ordered*, That the cease and desist order<sup>1</sup> aforesaid be, and the same hereby is, modified to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before Edward E. Reardon, a duly appointed Trial Examiner of the Commission designated by it to serve in this proceeding in support

of the allegations of the complaint and in opposition thereto, the report of the Trial Examiner thereon and the exceptions to said report, brief in support of the complaint and in opposition thereto and oral argument by counsel for the Commission and counsel for respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondents Berland Supply Company, Inc.; S. J. Casper Company, Incorporated; I. Shapiro, Inc.; Louis M. Mintz, trading as Mintz Supply Company; W. A. Reinemann, trading as Hotel and Restaurant Supply Company; National Beverage Distributing Company; Anchor-Hocking Glass Corporation; West Virginia Glass Specialty Company; Indiana Glass Company; Roseware, Inc.; W. H. Peterson; and Hotel, Restaurant & Tavern Equipment Association and its members, in connection with the offering for sale, sale, and distribution of glassware in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist:

From continuing, entering into, or assisting each other in carrying out, any conspiracy, agreement, understanding, cooperative plan, program, concert or common course of action among said respondents, between any two or more of them, or between the officers, agents, and employees of any two or more of them:

(a) To refuse to sell glassware to any person, partnership, or corporation;

(b) To cut off the source or sources of supply of any person, partnership, or corporation, or hinder, impede, or handicap any person, partnership, or corporation in its efforts to obtain supplies of glassware for sale or resale in trade and commerce, or to otherwise deprive any person, partnership, or corporation of an opportunity to compete in the sale or resale of glassware;

(c) To determine or designate who shall be a wholesaler of glassware and who shall not be in Milwaukee and the surrounding trade area or in any other trade area in the United States;

(d) To coerce or persuade any wholesaler, retailer, or dealer of glassware to refrain from engaging in price competition in the sale and distribution of glassware in commerce;

(e) To limit the number of persons, partnerships, or corporations who may participate in trade and commerce in glassware or to limit or proscribe or seek to limit or proscribe the rights of any such person, partnership, or corporation to conduct trade and commerce according to its own free will.

*It is further ordered*, That the respondents shall within sixty (60) days after service upon them of this order file

with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

JOE L. EVINS,  
Acting Secretary.

[F. R. Doc. 41-8566: Filed, November 15, 1941;  
10:56 a. m.]

[Docket No. 4029]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### IN THE MATTER OF EXCEL MERCHANDISE & NOVELTY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of sauce pans, dripolators, coffee percolators, pillows, smoking stands, electric table lamps, fountain pens, ash trays, or any other articles of merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with any merchandise, together with Bingo sets, punch boards, push or pull cards, or other devices, which said Bingo sets, punch boards, push or pull cards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (3) supplying, etc., others with Bingo sets, punchboards, push or pull cards or other devices, either with assortments of merchandise or separately, which said Bingo sets, punch boards, push or pull cards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Excel Merchandise & Novelty Company, Docket 4029, November 4, 1941]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* In connection with offer, etc., in commerce, of sauce

pans, dripolators, coffee percolators, pillows, smoking stands, electric table lamps, fountain pens, ash trays, or any other articles of merchandise, supplying, etc., others with punch boards, push or pull cards or other devices which are to be, or may be, used in selling or distributing any merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec.

<sup>1</sup> 6 F.R. 3630.

45b) [Cease and desist order, Excel Merchandise & Novelty Company, Docket 4029, November 4, 1941]

*In the Matter of Max A. Wasserman, Individually and Trading as Excel Merchandise and Novelty Company*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Max A. Wasserman, individually and trading as Excel Merchandise and Novelty Company, or trading under any other name or names, his representatives, agents, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of sauce pans, dripolators, coffee percolators, pillows, smoking stands, electric table lamps, fountain pens, ash trays, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

2. Supplying to or placing in the hands of others any merchandise, together with Bingo sets, punch boards, push or pull cards, or other devices, which said Bingo sets, punch boards, push or pull cards or other devices are to be used or may be used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

3. Supplying to or placing in the hands of others Bingo sets, punch boards, push or pull cards or other devices, either with assortments of merchandise or separately, which said Bingo sets, punch boards, push or pull cards or other devices are to be used or may be used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

4. Supplying to or placing in the hands of others punch boards, push or pull cards or other devices which are to be used or may be used in selling or distributing any merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

5. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 41-8567; Filed, November 15, 1941;  
10:56 a. m.]

**TITLE 26—INTERNAL REVENUE  
CHAPTER I—BUREAU OF INTERNAL  
REVENUE**

**SUBCHAPTER C—MISCELLANEOUS EXCISE  
TAXES**

[T.D. 5097]

**PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPER AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO**

*Regulations 8 as Made Applicable to the Internal Revenue Code by Treasury Decision 4885, Amended*

In order to conform Regulations 8 (revised November 1934) [Part 140, Title 26, Code of Federal Regulations], relating to the taxes on tobacco, snuff, cigars, and cigarettes, also on cigarette papers and tubes and purchase and sale of leaf tobacco, to section 212 of the Revenue Act of 1940 (54 Stat. 516) and section 521 (a) (8) of the Revenue Act of 1941 (Public Law 250, 77th Congress), amending section 2000 (c) (2) of the Internal Revenue Code, such regulations, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885,<sup>1</sup> approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Suppl.] are amended as follows:

**PARAGRAPH 1.** There is inserted immediately preceding article 72 [§ 140.72] the following:

**Sec. 2000. RATE OF TAX.** (Internal Revenue Code.)

(c) **Cigars and Cigarettes.**—Upon cigars and cigarettes manufactured in or imported into the United States, which are sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid the following taxes:

(1) **Cigars.** On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, 75 cents per thousand;

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 5 cents each, \$2 per thousand;

If manufactured or imported to retail at more than 5 cents each and not more than 8 cents each, \$3 per thousand;

If manufactured or imported to retail at more than 8 cents each and not more than 15 cents each, \$5 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, \$10.50 per thousand;

If manufactured or imported to retail at more than 20 cents each, \$13.50 per thousand;

Whenever in this paragraph reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar in its principal market.

(2) **Cigarettes.** On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, \$3 per thousand;

Weighing more than three pounds per thousand, \$7.20 per thousand; except that if more than 6½ inches in length they shall be taxable at the rate provided in the preceding paragraph, counting each 2¾ inches (or fraction thereof) of the length of each as one cigarette.

The tax imposed by this subsection shall be in addition to any import duties imposed upon imported cigars and cigarettes.

\* \* \* \* \*

**SEC. 212. CIGARETTES.** (Revenue Act of 1940.)

Subchapter A of Chapter 15 of the Internal Revenue Code is amended by inserting at the end thereof the following new sections:

**SEC. 2004. DEFENSE TAX FOR FIVE YEARS.**

In lieu of the rates of tax specified in section 2000 (c) (2), the rates of tax for the period after June 30, 1940, and before July 1, 1945, shall be \$3.25 and \$7.80, respectively.

\* \* \* \* \*

**SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT.** (Revenue Act of 1941.)

(a) The following sections of the Internal Revenue Code are amended as follows:

\* \* \* \* \*

(8) **Cigarettes.** Section 2000 (c) (2) is amended by striking out "\$3" and inserting in lieu thereof "\$3.25" and by striking out "\$7.20" and inserting in lieu thereof "\$7.80".

\* \* \* \* \*

(b) The rates specified in subsection (a) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in \* \* \* section 2004 \* \* \* of the Internal Revenue Code shall not apply with respect to such period.

**PAR. 2. Article 72 (a) [§ 140.72]** as amended by Treasury Decision 4985,<sup>1</sup> approved July 18, 1940, is further amended to read as follows:

**§ 140.72 Rates of tax on cigars and cigarettes; date effective; when tax accrues.** (a) The rates of tax on cigars as shown below became effective on March 29, 1926. The rates of tax on cigarettes as shown below became effective on July 1, 1940.

| Class | Cigars weighing more than 3 pounds per 1,000                                 | Rate per 1,000 |
|-------|--|----------------|
| A     | If manufactured or imported to retail at—<br>Not more than 5 cents each..... | \$2.00         |
| B     | More than 5 cents each and not more than 8 cents each.....                   | 3.00           |
| C     | More than 8 cents each and not more than 15 cents each.....                  | 5.00           |
| D     | More than 15 cents each and not more than 20 cents each.....                 | 10.50          |
| E     | More than 20 cents each.....   | 13.50          |

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|   | Rate   |
|---|--------|
| Cigars weighing not more than 3 pounds per 1,000—per 1,000  | \$0.75 |
| Cigarettes weighing not more than 3 pounds per 1,000—per 1,000  | 3.25   |
| Cigarettes weighing more than 3 pounds per 1,000 and measuring not more than 6½ inches in length—per 1,000  | 7.80   |
| Cigarettes weighing more than 3 pounds per 1,000 and measuring more than 6½ inches in length; each 2¾ inches (or fraction thereof) of the length of each to be counted as one cigarette—per 1,000 | 3.25   |

(This Treasury Decision is prescribed pursuant to section 212 of the Revenue Act of 1940 (54 Stat. 516), section 521 of the Revenue Act of 1941, approved September 20, 1941, and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,  
Commissioner of Internal Revenue.  
Approved: November 13, 1941.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-8554; Filed, November 14, 1941;  
2:59 p. m.]

(4) On blends consisting of foreign and domestic wines, if any reference to the presence of foreign wine is made, the exact percentage by volume of foreign wine.

(b) There shall be stated on the brand label, or on a separate label affixed in immediate proximity thereto on the same side of the container:

(1) Alcoholic content, in accordance with § 4.36.

(2) Net contents, in accordance with § 4.37.

(c) In the case of imported wine, the name and address of the importer need not be stated upon the brand label if it is stated upon any other label affixed to the container. In the case of domestic wine, bottled or packed for a retailer or other person under his private brand, the name and address of the bottler or packer need not be stated upon the brand label if the name and address of the person for whom bottled or packed appears upon the brand label, and the name and address of the bottler or packer is stated upon any other label affixed to the container.

SEC. 2. These regulations shall take effect upon the date of filing with the Division of the Federal Register.

[SEAL] STEWART BERKSHIRE,  
Deputy Commissioner  
of Internal Revenue.

Approved: November 13, 1941.

GUY T. HELVERING,  
Commissioner of Internal Revenue.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-8555; Filed, November 14, 1941;  
2:59 p. m.]

OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR COALS OF THE WYCO MINE (MINE INDEX NO. 207) OF THE GULF SMOKELESS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7

Original petitions having been filed with the Bituminous Coal Division by District Board No. 7, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by revising the price classifications for certain coals produced at the Black Eagle Mine (Mine Index No. 23) of the Black Eagle Smokeless Coal Company and at the Wyco Mine (Mine Index No. 207) of the Gulf Smokeless Coal Company, code members in District No. 7;

A hearing having been held in this matter pursuant to Orders and Notices of the Director, on July 28, 1941, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 327.11 (Low volatile coals: Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be, and it hereby is, amended by establishing for the coals produced at the Black Eagle Mine (Mine Index No. 23) of the Black Eagle Smokeless Coal Company, in Size Groups 3, 4, 8, and 9, the effective price classifications of "E", "D", "B", and "A", respectively, in lieu of the classifications presently established therefor.

It is further ordered, That the prayer contained in the original petition in Docket No. A-849 for a reduction in the classifications established for the coals in Size Groups 2 and 3 produced at the Wyco Mine (Mine Index No. 207) of the Gulf Smokeless Coal Company be, and it hereby is, denied.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-8597; Filed, November 17, 1941;  
11:38 a. m.]

## TITLE 27—INTOXICATING LIQUORS

### CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5098]

#### PART 4—LABELING AND ADVERTISING OF WINE

##### MANDATORY INFORMATION ON WINE LABELS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

SECTION 1. By virtue of and pursuant to section 5 (e) of the Federal Alcohol Administration Act, as amended (U.S.C. Sup., Title 27), section 3170 of the Internal Revenue Code (53 Stat., part 1), and section 161 of the Revised Statutes (U.S.C., Title 5, sec. 22), § 4.32, Part 4, Chapter 1, Title 27 of the Code of Federal Regulations (section 32 of Regulations No. 4, Relating to Labeling and Advertising of Wine), is amended to read as follows:

§ 4.32 Mandatory label information. (a) Except as otherwise provided in paragraph (c), there shall be stated on the brand label:

(1) Brand name, in accordance with § 4.33.

(2) Class, type, or other designation, in accordance with § 4.34.

(3) Name and address, in accordance with § 4.35.

## TITLE 30—MINERAL RESOURCES

### CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets Nos. A-848 and A-849]

#### PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR THE BLACK EAGLE COAL MINE (MINE INDEX NO. 23) OF THE BLACK EAGLE SMOKELESS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7; AND IN THE MATTER OF THE PETITION

[Docket No. A-1108]

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 330.2 (*Mine index numbers*) is amended by adding thereto Supplement R-I, and § 330.10 (*Special prices—(a) Railroad locomotive fuel prices*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 5, 1941.

[SEAL]

H. A. GRAY,  
Director.

No. 224—2

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 330.2 Mine index numbers—Supplement R-I

| Price group No. | Producer  | Mine                   | Mine index No. | Freight origin group No. | Shipping point     | Railroad |
|-----------------|---|------------------------|----------------|--------------------------|--------------------|----------|
| 16              | Black Banner Coal Co. (Carl H. Grisham).          | Monarch.....           | 1459           | 80                       | Elkville, Ill..... | IC       |
| 10              | Hallidayboro Coal Company (% Clarence McCormick). | Hallidayboro.....      | 1296           | 80                       | Elkville, Ill..... | IC       |
| 25              | Diamond Coal Company (Paul R. O'Bryant).*         | Diamond Coal Mine..... | 677            | 94                       | Glasford, Ill..... | TP&W     |

\* Mine Index No. 1459 shall be included in Price Group 16 and shall take the same f.o.b. mine prices as other mines in Price Group 16, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel: *Provided, however,* That these f.o.b. mine prices apply on board transportation facilities at Elkville, Illinois.

\* Mine Index No. 1296 shall be included in Price Group 10 and shall take the same f.o.b. mine prices as other mines in Price Group 10, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel: *Provided, however,* That these f.o.b. mine prices apply on board transportation facilities at Elkville, Illinois.

\* Mine Index No. 677 shall be included in Price Group 25 and shall take the same f.o.b. mine prices as other mines in Price Group 25, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all Market Areas and for all uses exclusive of railroad locomotive fuel: *Provided, however,* That these f.o.b. mine prices apply on board transportation facilities at Glasford, Illinois. For shipment to the Cities of Peoria and Pekin, Illinois, in Market Area 37, the f.o.b. mine prices stated above shall be increased 12¢ per ton.

## § 330.10 Special prices—(a) Railroad locomotive fuel prices—Supplement R-II

| Price group No. | Producer  | Mine                   | Mine index No. | Freight origin group No. | Shipping point     | Railroad |
|-----------------|---|------------------------|----------------|--------------------------|--------------------|----------|
| 16              | Black Banner Coal Co. (Carl H. Grisham).          | Monarch.....           | 1459           | 80                       | Elkville, Ill..... | IC       |
| 10              | Hallidayboro Coal Company (% Clarence McCormick). | Hallidayboro.....      | 1296           | 80                       | Elkville, Ill..... | IC       |
| 25              | Diamond Coal Company (Paul R. O'Bryant).*         | Diamond Coal Mine..... | 677            | 94                       | Glasford, Ill..... | TP&W     |

\* The railroad locomotive fuel price shall be: mine run—\$1.80; screenings—\$1.40; 6" x 1½" Egg—\$1.85 f. o. b. cars Elkville, Illinois.

\* The railroad locomotive fuel price shall be: mine run—\$1.80; screenings—\$1.40; 6" x 1½" Egg—\$1.85, f. o. b. cars Elkville, Illinois.

\* The railroad locomotive fuel prices shall be: mine run—\$2.00; screenings—\$1.40 f. o. b. cars, Glasford, Illinois.

[F. R. Doc. 41-8538; Filed, November 14, 1941; 10:49 a. m.]

[Docket Nos. A-436, A-440, A-36 Part II, A-147, A-44, A-115, A-259, A-363]

PART 331—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 11

FINDINGS OF FACT, CONCLUSIONS OF LAW AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED; AND OF DISTRICT BOARD 11 FOR THE REVISION OF MINIMUM PRICES FOR THE COALS

OF MINE INDEX 1055, HICKS & RELKER, INCORPORATED; AND OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE ENOS COAL MINING COMPANY'S SEVEN STAR MINE; AND OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS FOR WASHED COAL, SIZE GROUPS 17 TO 25, FOR MINE INDEX NO. 47

These are matters instituted upon petitions duly filed with the Bituminous Coal Division on October 8, 14, and 28,

November 14, and December 2, 1940, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 11. The several petitions propose and seek the establishment of price classifications and minimum prices for the coals of certain mines not theretofore classified and priced.

The original petitions prayed for the issuance of temporary as well as final orders, pending final disposition of the petitions. By Orders of the Director, dated October 28, 1940 (Dockets A-36—Part II and A-147), 5 F.R. 4349; October 28, 1940 (Docket A-115), 5 F.R. 4324; November 14, 1940 (Docket A-259), 5 F.R. 4594; December 2, 1940 (Docket A-363), 5 F.R. 4831; and December 13, 1940 (Dockets A-436 and A-440), 5 F.R. 5157, temporary relief was granted, pending final disposition of the original petition, establishing temporary price classifications and minimum prices for the coals in question in general conformance with the petitioners' proposals.

In accordance with the Orders of October 28, November 14 and 19, December 2, 6, 13 and 16, 1940, a hearing in these matters<sup>1</sup> was duly held on January 29, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room of the Division, in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. No intervening petitions were filed and no objection to the relief requested was made at the hearing. By agreement of all parties present, the preparation and filing of the Examiner's report was waived, and the record was thereupon transmitted to the undersigned.

The record evidence reveals that the price classifications and prices set in the Orders of October 28, 1940 (Dockets A-36—Part II and A-147), except that part of Docket A-36—Part II relating to Ditney Hill Mine, Mine Index 115 (Ingle Coal Company);<sup>2</sup> October 28, 1940 (Docket A-115); November 14, 1940 (Docket A-259), except that part of Docket A-259 relating to the Hicks & Relker Mine, Mine Index 1055 (Hicks &

<sup>1</sup> By Order of the Director dated January 28, 1941, Docket A-44 and that part of Docket A-36—Part II relating to the Ditney Hill Mine, Mine Index 115 (Ingle Coal Company), were severed from these proceedings.

<sup>2</sup> The coals of the Ditney Hill Mine will be classified and priced in Docket A-36—Part III.

<sup>3</sup> The Hicks & Relker Mine, Mine Index 1055, was erroneously classified in Docket A-259 as being located in Seam 5. In Docket A-440, infra, this mine was correctly classified as being in Seam 4. In all other respects the mine is duplicated and should therefore be deleted from the temporary order in Docket A-259.

<sup>4</sup> Permanent prices were established for the Julian Mine, Mine Index 117 (Standard Coal Company) by Order in Docket A-437 dated August 22, 1941, 6 F.R. 4707, and should therefore be deleted from the temporary order in Docket A-436.

Relker, Inc. (James G. Hicks));<sup>3</sup> December 2, 1940 (Docket A-363); and December 13, 1940 (Dockets A-436 and A-440) except that the Julian Mine, Mine Index 117 (Standard Coal Company),<sup>4</sup> which price classifications and prices are attached hereto as Supplements "R" and "T", are expressed in terms of the symbols of and are in conformity with the effective minimum prices for analogous and comparable coals heretofore established by the Director in General Docket No. 15; properly relate said coals among themselves and with comparable competitive coals; and should be permanently established as the effective classifications and minimum prices for the coals in question. Such classifications and prices comply in all respects with applicable standards of the Act and effectuate the purpose of sections 4 II (a) and (b) thereof.

There was no opposition to the requested relief.

Now, therefore, it is ordered, That § 331.5 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 11 is amended by adding thereto Supplements R-I, R-III, R-V and R-VII, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplements R-II, R-IV and R-VI, § 331.8 (*General prices*) is amended by adding thereto Supplement R-VIII, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplements T-I, T-II, T-III, T-IV and T-V, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: October 8, 1941.

[SEAL]

H. A. GRAY,  
Director.

#### EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

##### § 331.5 *Alphabetical list of code members—Supplement R-I*

| Mine index No. | Name of code member | Mine | Seam | Sub-district | Freight origin group | Price group |
|----------------|---------------------|------|------|--------------|----------------------|-------------|
| 392            | Linn Coal Co.       | Linn | VI   | LS           | 63                   | 7           |

<sup>1</sup> Docket No. A-436.

<sup>2</sup> Mine Index No. 392 shall be included in Price Group 7 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 7 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 392 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 63 having the same freight rates.

§ 331.10 *Special prices: Railroad locomotive fuel—Supplement R-II*. Mine Index No. 392 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index nos. 48, 49, 69.

##### § 331.5 *Alphabetical list of code members—Supplement R-III*<sup>a</sup>

| Mine index No. | Name of code member          | Mine            | Seam | Sub-district | Freight origin group | Price group |
|----------------|------------------------------|-----------------|------|--------------|----------------------|-------------|
| 93             | Indiana Mining Company, Inc. | Mine No. 1      | V    | BC           | 32                   | 3           |
| 118            | Lone Star Coal Co., Inc.     | Lone Star No. 3 | III  | BC           | 32                   | 1           |

<sup>a</sup> Docket No. A-259.

<sup>b</sup> Mine index 93 shall be included in Price Group 3 and shall be accorded the prices shown for other mines in Price Group 3 listed in the Price Schedule No. 1 for District No. 11 for all shipments except truck for shipment into various market areas. It shall also be accorded adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to other mines in freight origin group 32, taking the same freight rate.

<sup>c</sup> Mine index 118 shall be included in Price Group 1 and shall be accorded the prices shown for other mines in Price Group 1 listed in the Price Schedule No. 1 for District No. 11 for all shipments except truck for shipment into various market areas. It shall also be accorded adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to other mines in freight origin group 32, taking the same freight rate.

##### § 331.10 *Special prices: Railroad locomotive fuel—Supplement R-IV*<sup>d</sup>

| Mine index No. | Name of code member          | Mine            | Seam | Sub-district | Freight origin group | Price group |
|----------------|------------------------------|-----------------|------|--------------|----------------------|-------------|
| 93             | Indiana Mining Company, Inc. | Mine No. 1      | V    | BC           | 32                   | 3           |
| 118            | Lone Star Coal Co., Inc.     | Lone Star No. 3 | III  | BO           | 32                   | 1           |

<sup>d</sup> Docket No. A-259.

<sup>e</sup> Mine index 93 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck as those shown for mine index 22, 59, 75 and 94.

<sup>f</sup> Mine index 118 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck as those shown for mine index 22, 59, 75 and 94.

§ 331.5 Alphabetical list of code members—Supplement R-V<sup>13</sup>

| Mine index No. | Name of code member                        | Mine                     | Seam | Sub-district | Freight origin group | Price group |
|----------------|--|--------------------------|------|--------------|----------------------|-------------|
| # 238          | Gordon Coal Company (Carl F. Fougerousse). | Gordon.....              | IV   | LS           | 61                   | 13          |
| # 360          | Hi-Grade Coal Company.....                 | Hi-Grade.....            | IV   | LS           | 61                   | 13          |
| # 120          | H & M Coal Company (Undrel Hubble).....    | H & M No. 2.....         | V    | LS           | 60                   | 9           |
| # 119          | Strietelmeier, Henry W.....                | Pleasantville No. 6..... | VI   | LS           | 62                   | 7           |

<sup>13</sup> Docket No. A-363.<sup>14</sup> Mine Index No. 238 shall be included in Price Group 13 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 13 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 238 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 61 having the same freight rates.<sup>15</sup> Mine Index No. 360 shall be included in Price Group 13 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 13 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 360 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 61 having the same freight rates.<sup>16</sup> Mine Index No. 120 shall be included in Price Group 9 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 9 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 120 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 60 having the same freight rates.<sup>17</sup> Mine Index No. 119 shall be included in Price Group 7 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 7 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 119 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 62 having the same freight rates.§ 331.10 Special prices: Railroad locomotive fuel—Supplement R-VI<sup>18</sup>

| Mine index No. | Name of code member                        | Mine                     | Seam | Sub-District | Freight origin group | Price group |
|----------------|--|--------------------------|------|--------------|----------------------|-------------|
| # 238          | Gordon Coal Company (Carl F. Fougerousse). | Gordon.....              | IV   | LS           | 61                   | 13          |
| # 360          | Hi-Grade Coal Company.....                 | Hi-Grade.....            | IV   | LS           | 61                   | 13          |
| # 120          | H & M Coal Company (Undrel Hubble).....    | H & M No. 2.....         | V    | LS           | 60                   | 9           |
| # 119          | Strietelmeier, Henry W.....                | Pleasantville No. 6..... | VI   | LS           | 62                   | 7           |

<sup>18</sup> Docket No. A-363.<sup>19</sup> Mine Index No. 238 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index Nos. 19, 20, 51, 52, 53, 70, 72, 85, 91 in §331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck.<sup>20</sup> Mine Index No. 360 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index Nos. 19, 20, 51, 52, 53, 70, 72, 85, 91 in §331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck.<sup>21</sup> Mine Index No. 120 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index Nos. 1, 2, 3, 23, 30, 38, 56, 68, 70, 73 in §331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck.<sup>22</sup> Mine Index No. 119 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index Nos. 32, 50, 100 in §331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck.§ 331.5 Alphabetical list of code members—Supplement R-VII<sup>19</sup>

| Mine index No. | Name of code member           | Mine              | Seam | Subdistrict | Freight origin group No. | Price group | Railroad and shipping point |
|----------------|-------------------------------|-------------------|------|-------------|--------------------------|-------------|-----------------------------|
| # 47           | Princeton Mining Company..... | King Station..... | V    | PA          | 72                       | 14          | C&EI—King Station, Ind.     |

<sup>19</sup> Docket No. A-115.<sup>20</sup> The prices for Mine Index No. 47 in Size Groups 17-25, inclusive, For All Shipments Except Truck, shall be subject to the same adjustments, for shipment into the various Market Areas, as are the prices for Mine Index No. 47 in all other Size Groups, as set forth in the Schedule of Effective Minimum Prices for District No. 11 For All Shipments Except Truck.§ 331.8 General prices—Supplement R-VIII<sup>21</sup>

| Size groups   | Price table Nos. |     |     |     |     |     |
|---------------|------------------|-----|-----|-----|-----|-----|
|               | 1                | 2   | 3   | 4   | 5   | 6   |
| 17.....       | 178              | 200 | 190 | 190 | 173 | 153 |
| 18-19-20..... | 168              | 190 | 180 | 180 | 163 | 143 |
| 21.....       | 173              | 195 | 185 | 185 | 168 | 148 |
| 22.....       | 163              | 185 | 175 | 175 | 158 | 138 |
| 23.....       | 163              | 185 | 175 | 175 | 158 | 138 |
| 24.....       | 153              | 175 | 165 | 165 | 148 | 128 |
| 25.....       | 128              | 150 | 140 | 140 | 123 | 103 |

<sup>21</sup> Docket No. A-115.

## FEDERAL REGISTER, Tuesday, November 18, 1941

FOR TRUCK SHIPMENTS  
§ 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T-I<sup>1</sup>

| Code member index                   | Mine index No. | Mine              | Mine | Steam | Prices and size group Nos. |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|-------------------------------------|----------------|-------------------|------|-------|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|                                     |                |                   |      |       | 1                          | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15  | 16  | 17  | 18  | 19  | 20  | 21  | 22  | 23  | 24  | 25  | 26  | 27  | 28  | 29  | 30  | 31  | 32  | 33  | 34  |     |     |
| CLAY COUNTY                         |                |                   |      |       |                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Baker, Hershel & Co.                | 1136           | Baker             |      | 3     | 240                        | 235 | 230 | 215 | 210 | 170 | 175 | 170 | 165 | 135 | 125 | 70  | 40  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |     |     |     |
| Ball, Lennie & Co.                  | 1097           | Ball & Co.        |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |     |
| Crawford, Wm. T.                    | 1108           | Crawford          |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |     |
| Dally & Vandover                    | 1110           | Dally & Vandover  |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Decker & Lynch                      | 1123           | Decker & Lynch    |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Durkin, Mike                        | 1118           | Red Oak           |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Lee & Marshall                      | 1106           | Lee & Marshall    |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| McDonald & Co., Arthur              | 1112           | McDonald & Co.    |      | SB    | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Penman & Warren                     | 1138           | P. W.             |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Williams Brothers (Arthur Williams) | 1079           | Williams Brothers |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Wolle & Vanhorn                     | 1110           | Wolle & Vanhorn   |      | SB    | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| DAVIES COUNTY                       |                |                   |      |       |                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Chatham, Charles                    | 1113           | Chatham           |      | 6     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| DUBOS COUNTY                        |                |                   |      |       |                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Merchant, Michael                   | 1124           | High Hill         |      | 6     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| FOUNTAIN COUNTY                     |                |                   |      |       |                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Bush & Marshall (Richard Bush)      | 1119           | Bush & Marshall   |      | M     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Gill Bros.                          | 1101           | Gill Bros.        |      | M     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Black, Chauncey                     | 1082           | Hack              |      | M     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Lloyd & Son, Marion (Marion Lloyd)  | 1121           | Lloyd & Son       |      | M     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Ferry, William & Sons               | 1084           | Ferry & Sons      |      | M     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Richardson Coal Mine (Ray Bracken)  | 1129           | Richardson        |      | 5     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| BEAUFY, Monroe                      | 1103           | Rogers            |      | SB    | 275                        | 260 | 255 | 245 | 240 | 235 | 205 | 205 | 185 | 175 | 155 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| York, Robert W.                     | 1141           | Lost Hope         |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| OWEN COUNTY                         |                |                   |      |       |                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Chairman, Commodore                 | 980            | Chatman           |      | SB    | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| PARKER COUNTY                       |                |                   |      |       |                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Bannon & Sovers (Ernest G. Bannon)  | 1130           | B & S.            |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Davis & Glass (Peter Glaze)         | 1132           | Davis & Glaze     |      | B     | 310                        | 285 | 265 | 255 | 250 | 245 | 215 | 215 | 195 | 195 | 195 | 195 | 145 | 80  | 50  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| PERRY COUNTY                        |                |                   |      |       |                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Kieser, Charles B.                  | 1127           | Foster            |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| DELANEY, Elmer                      | 1120           | Delaney           |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Durham, Hollis R.                   | 1128           | Durham            |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Erwin, Roscoe                       | 1087           | Erwin             |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Northerner, John                    | 1124           | Northerner        |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Sullivan, John                      | 1085           | Sullivan          |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Taylor, Ernest                      | 1086           | Taylor            |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| SPENCER COUNTY                      |                |                   |      |       |                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Fox Hill Coal & Mining Co., Inc.    | 1122           | Fox Hill          |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| Hagan, Tex.                         | 1104           | Hurst & A. Dye    |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 55  | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |     |
| McFall, Cosby I.                    | 1099           | Meier             |      | 5     | 250                        | 245 | 240 | 230 | 225 | 200 | 180 | 185 | 175 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |

General prices in cents per net ton for shipment into all market areas—Supplement T-1—Continued

8 92124 General prices in cents per net ton for shipment into all market areas—Supplement T-II

**§ 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T-II—Continued**

| Code member index      | Mine index No.                             | Mine | Seam | Prices and size group Nos. |     |     |     |     |     |     |     |     |     |     |     |    |    |    |    |
|------------------------|--|------|------|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|----|----|
|                        |  |      |      | 1                          | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13 | 14 | 15 | 16 | 17 |
| <b>PKE COUNTY</b>      |  |      |      |                            |     |     |     |     |     |     |     |     |     |     |     |    |    |    |    |
| 1019                   | Better Coal Company (Herbert E. Brodfield) |      | 250  | 245                        | 240 | 230 | 225 | 220 | 190 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 1018                   | Black Beauty                               |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 1017                   | Cannon & Leighly                           |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 1028                   | Lee - Apex No. 2                           |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 1000                   | Log Creek                                  |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 885                    | Hurley                                     |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 2403                   | New Hope                                   |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 1013                   | Sandhill                                   |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 1031                   | Maple Hill                                 |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| 1011                   | Thompsons                                  |      | 250  | 245                        | 240 | 230 | 235 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85  | 85 | 85 | 85 | 85 |
| <b>SULLIVAN COUNTY</b> |  |      |      |                            |     |     |     |     |     |     |     |     |     |     |     |    |    |    |    |
| 1046                   | Bush & Moody                               |      | 6    | 275                        | 270 | 265 | 230 | 225 | 220 | 180 | 185 | 175 | 170 | 135 | 125 | 70 | 40 | 40 | 40 |
| 1042                   | Chestnut                                   |      | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 170 | 160 | 135 | 125 | 70 | 40 | 40 | 40 |
| 1094                   | Chestnut                                   |      | 6    | 275                        | 270 | 265 | 230 | 225 | 220 | 180 | 185 | 175 | 170 | 135 | 125 | 70 | 40 | 40 | 40 |
| 1034                   | Palmer                                     |      | 6    | 275                        | 270 | 265 | 230 | 225 | 220 | 180 | 185 | 175 | 170 | 135 | 125 | 70 | 40 | 40 | 40 |
| 1001                   | Keene                                      |      | 6    | 275                        | 270 | 265 | 230 | 225 | 220 | 180 | 185 | 170 | 165 | 135 | 125 | 70 | 40 | 40 | 40 |
| 1007                   | Krist & Black                              |      | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 170 | 165 | 135 | 125 | 70 | 40 | 40 | 40 |
| 1091                   | Nelson Rib                                 |      | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 170 | 165 | 135 | 125 | 70 | 40 | 40 | 40 |
| 1098                   | Williams                                   |      | 7    | 240                        | 235 | 230 | 220 | 215 | 210 | 170 | 175 | 170 | 165 | 135 | 125 | 70 | 40 | 40 | 40 |
| <b>VIGO COUNTY</b>     |  |      |      |                            |     |     |     |     |     |     |     |     |     |     |     |    |    |    |    |
| 1089                   | Crabb                                      |      | 3    | 240                        | 235 | 230 | 220 | 215 | 210 | 170 | 175 | 170 | 165 | 135 | 125 | 70 | 40 | 40 | 40 |
| 1118                   | Lone Star No. 3                            |      | 3    | 230                        | 225 | 230 | 220 | 215 | 210 | 170 | 175 | 170 | 165 | 135 | 125 | 70 | 40 | 40 | 40 |
| 93                     | No. 1                                      |      | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 170 | 165 | 135 | 125 | 70 | 40 | 40 | 40 |
| <b>WARRICK COUNTY</b>  |  |      |      |                            |     |     |     |     |     |     |     |     |     |     |     |    |    |    |    |
| 1012                   | Byers, Jacob U.                            |      | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85 | 85 | 85 | 85 |
| 1010                   | Houchin                                    |      | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 175 | 170 | 150 | 140 | 85 | 85 | 85 | 85 |

82124 General notices in cents per net ton for shipment into all market areas—Supplement T-III,

Docket No. A-363.

*General prices in cents per net ton for shipment into all market areas—Supplement T-III—Continued*

General prices in cents per net ton for shipment into all market areas—Supplement T-IV.

Debtai Nos A-36 Part II and A-167

## § 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T-IV—Continued

| Code member index                      | Mine index No. | Mine                 | Seam | Prices and size group Nos. |     |     |     |     |     |     |     |     |                  |     |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
|--|----------------|----------------------|------|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|------------------|-----|-----|----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
|  |                |                      |      | 1                          | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10,<br>11,<br>12 | 13  | 14  | 15 | 16 | 17   | 18   | 19   | 20   | 21   | 22   | 23   | 24   | 25   | 26   | 27   | 28   | 29   | 30   | 31   | 32   | 33   | 34   |      |      |      |      |
| <b>SULLIVAN COUNTY</b>                 |                |                      |      |                            |     |     |     |     |     |     |     |     |                  |     |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Every Coal Company (Leland Every)..... | 1032           | Every.....           | 6    | 275                        | 270 | 265 | 260 | 225 | 220 | 180 | 185 | 175 | 170              | 135 | 125 | 70 | 40 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |      |      |      |
| Gaines, Ouis.....                      | 1033           | Gaines.....          | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 170 | 165              | 135 | 125 | 70 | 40 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |      |      |
| Hobbs, Tom.....                        | 1034           | Hobbs-Rib.....       | 6    | 275                        | 270 | 265 | 260 | 225 | 220 | 180 | 185 | 175 | 170              | 135 | 125 | 70 | 40 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |      |      |
| Waller, J. S.....                      | 1035           | Waller No. 7.....    | 7    | 260                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 170 | 165              | 135 | 125 | 70 | 40 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |      |
| <b>VERMILLION COUNTY</b>               |                |                      |      |                            |     |     |     |     |     |     |     |     |                  |     |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Reed & Cottrell (Roy Cottrell).....    | 1026           | Reed & Cottrell..... | 6    | 240                        | 235 | 230 | 220 | 215 | 210 | 170 | 175 | 170 | 165              | 135 | 125 | 70 | 40 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |
| <b>VIGO COUNTY</b>                     |                |                      |      |                            |     |     |     |     |     |     |     |     |                  |     |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Baugh & Baugh (Baugh, J. E.).....      | 1040           | Baugh.....           | 6    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 170 | 165              | 135 | 125 | 70 | 40 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |
| Hux & Vanpatten (Vasco Hux).....       | 979            | Hux & Vanpatten..... | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 170 | 165              | 135 | 125 | 70 | 40 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |
| <b>WAREC COUNTY</b>                    |                |                      |      |                            |     |     |     |     |     |     |     |     |                  |     |     |    |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Cain & Anderson (Willis Cain).....     | 1008           | Phillips.....        | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 175 | 170              | 140 | 140 | 85 | 35 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |
| Fortune & Sons (William Fortune).....  | 923            | Graham.....          | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 175 | 170              | 140 | 140 | 85 | 35 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |
| Parker & Cox (Albert E. Cox).....      | 817            | Hercules.....        | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 175 | 170              | 140 | 140 | 86 | 35 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |
| Robertson, Frank.....                  | 798            | Robinson.....        | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 175 | 170              | 140 | 140 | 85 | 35 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |
| Spillman, Marvin.....                  | 1004           | Sharon.....          | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 175 | 170              | 140 | 140 | 85 | 35 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |      |
| Woolsey, Shirley.....                  | 1003           | Woolsey-Rib.....     | 5    | 250                        | 245 | 240 | 230 | 225 | 220 | 180 | 185 | 175 | 170              | 140 | 140 | 85 | 35 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |

## § 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T-V\*

| Code member index             | Mine index No. | Mine              | Seam | Prices and size group Nos. |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
|-------------------------------|----------------|-------------------|------|----------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|                               |                |                   |      | 1                          | 2     | 3     | 4     | 5     | 6     | 7     | 8     | 9     | 10    | 11    | 12    | 13    | 14    | 15    | 16    | 17    | 18    | 19    | 20    | 21    | 22    | 23    | 24    | 25    | 26    | 27    | 28    | 29    |       |
| <b>GIRSON COUNTY</b>          |                |                   |      |                            |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| Princeton Mining Company..... | 47             | King Station..... | 6    | .....                      | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

\*Docket No. A-115.

[F. R. Doc. 41-8540; Filed, November 14; 10:50 a. m.]

[Docket Nos. A-170, A-240, A-343, A-438, A-296, A-372, A-402, A-444, A-504, and A-518]

PART 333—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 13

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER; AND GRANTING, IN PART, PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD 13 AND OF CERTAIN PRODUCERS IN DISTRICT 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED AND FOR CHANGES IN THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN OTHER MINES

These proceedings having been instituted upon original petitions filed with the Bituminous Coal Division by District Board 13 and by certain code members in District 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, proposing and seeking the establishment of price classifications and minimum prices for the coal of certain mines in District 13 which coals had not theretofore been classified and priced, and seeking changes in certain effective price classifications and minimum prices established for coals of certain other mines in that district;

By appropriate Orders, the Director having granted temporary relief in all these matters, except in Dockets Nos. A-372 and A-444;

Pursuant to Orders and Notices of Hearing issued by the Director and after due notice to all interested persons, hearings having been held in these matters before Travis Williams, a duly designated Examiner of the Division;

The Examiner having submitted his Report, Proposed Findings of Fact and Conclusions of Law and Recommendations in these matters, dated September 5, 1941; an opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, no such exceptions or supporting briefs having been filed;

The undersigned has determined after a consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in these matters should be approved and adopted as his Findings of Fact and Conclusions of Law;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in these matters be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

It is further ordered, That § 333.6 (General prices) is amended by adding thereto Supplements R-I, R-III, R-VII, and R-VIII, § 333.7 (Special prices)—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplements R-II and R-IV, § 333.7 (Special prices)—(b) Prices for shipment by railroad, applicable only for blacksmithing use for all destina-

tions in market areas as listed) is amended by adding thereto Supplement R-V, § 333.7 (Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto Supplement R-VI, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplements T-I, T-II, T-IV, T-V, T-VII, T-IX, and § 333.43 (General prices in cents per net ton for shipment

into all market areas) is amended by adding thereto Supplements T-III, T-VI, T-VIII, and T-X, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That in all other respects the relief prayed for herein be and the same hereby is denied.

Dated: October 17, 1941.

[SEAL]

H. A. GRAY,  
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 General prices—Supplement R-I<sup>1</sup>

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

| Mine index No.   | Code member                    | Mine               | Subdistrict | Seam        | Freight origin group |
|------------------|--------------------------------|--------------------|-------------|-------------|----------------------|
| ALABAMA          |                                |                    |             |             |                      |
| MARION COUNTY    |                                |                    |             |             |                      |
| 404              | Beasley, Wilburn               | Beasley            | 1           | Black Creek | 101                  |
| 408              | Bishop, Webb                   | Wheeler #4         | 1           | Black Creek | 101                  |
| 418              | Crane, Floyd                   | Hallmark #6        | 1           | Black Creek | 101                  |
| 768              | Harbin, W. J.                  | Harbin #4          | 1           | Black Creek | 101                  |
| 987              | Hoicomb & Morgan               | Holecomb & Morgan  | 1           | Black Creek | 101                  |
| 439              | Hughes & Son, I. L.            | I. L. Hughes & Son | 1           | Black Creek | 101                  |
| 453              | Miles, Isaac                   | Butler #1          | 1           | Black Creek | 101                  |
| 459              | Moore, N. J.                   | Moore              | 1           | Black Creek | 101                  |
| 867              | Morgan, P. A.                  | Roy Miles #5       | 1           | Black Creek | 101                  |
| 460              | Norris, Boss                   | Norris             | 1           | Black Creek | 101                  |
| 462              | O'Mary, J. L.                  | Kelly #2           | 1           | Black Creek | 101                  |
| 1038             | Southerland, D. C.             | Benson             | 1           | Black Creek | 101                  |
| 489              | Weeks, M.                      | M. Weeks           | 1           | Black Creek | 101                  |
| 455              | Weeks, Will C                  | Butler #3          | 1           | Black Creek | 101                  |
| WALKER COUNTY    |                                |                    |             |             |                      |
| 632              | Myers, Wm. R.                  | Mauldin            | 1           | Black Creek | 80                   |
| 638              | Phillips, Howard               | Phillips           | 1           | Black Creek | 80                   |
| MARION COUNTY    |                                |                    |             |             |                      |
| 411              | Burgess, J. H.                 | Burgess            | 1           | Black Creek | 101                  |
| 437              | Hollis, Vester                 | Hollis #6          | 1           | Black Creek | 101                  |
| 450              | Leith, George                  | Hollis #2          | 1           | Black Creek | 101                  |
| 466              | Pate & Son, Sterling           | Pate & Son         | 1           | Black Creek | 101                  |
| 485              | Webb & Guthrie                 | Kelly #1           | 1           | Black Creek | 101                  |
| 485              | Whitehead & Fikes              | Kelly #1           | 1           | Black Creek | 101                  |
| WALKER COUNTY    |                                |                    |             |             |                      |
| 622              | McBride Brothers               | Aycock #2 & #3     | 1           | Black Creek | 80                   |
| 579              | McBride, Chas. C.              | Cooley #1          | 1           | Black Creek | 80                   |
| BIRB COUNTY      |                                |                    |             |             |                      |
| 212              | G. W. Young (Red Dot Coal Co.) | Red Dot Coal Co.   | 1           | Woodstock   | 41                   |
| JEFFERSON COUNTY |                                |                    |             |             |                      |
| 1106             | Carr, W. C. (Carr Coal Co.)    | Carr & Goode       | 1           | Pratt       | 51                   |
| 311              | Davidson, H. S.                | Davidson           | 1           | Pratt       | 80                   |

<sup>1</sup> Docket A-240.

<sup>2</sup> These mines shall have the same prices in size groups: 1, 4, 6, 17, and 18 on all price tables as listed for mines with Index Nos. 18-19-21.

<sup>3</sup> These mines shall have the same prices in Size Groups 1, 4, 6, 17 and 18 on all price tables as listed for mines with Index Nos. 22 and 23.

<sup>4</sup> These mines shall have the same prices in size groups 1, 4 and 6 on all price tables as listed for mines with Index Nos. 18-19-21.

<sup>5</sup> These mines shall have the same prices in size groups 1, 4 and 6 on all price tables as listed for mines with Index Nos. 22 and 23.

<sup>6</sup> These mines shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mines with Index Nos. 9 and 11.

<sup>7</sup> This mine shall have the same price in size groups 13 and 23 on all price tables as listed for mines with Index Nos. 71, 72 and 73.

<sup>8</sup> This mine shall have a price in size group 22 on all price tables, 10¢ under the price listed in size group 17 for mines with Index Nos. 71, 72 and 73.

All freight adjustments applicable to this mine shall be based on the lowest rate applicable from Kilgore, Alabama, on the L. & N. R. R. at Blossburg, Alabama, on the Southern Rwy.

<sup>9</sup> This mine shall have a price in size group 22 on all price tables, 10¢ under the price listed in size group 17 for mines with Index Nos. 71, 72 and 73.

**FEDERAL REGISTER, Tuesday, November 18, 1941**

**§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Supplement R-VI**

### **§ 333.6 General prices—Supplement R-VII—Continued**

" This mine shall have the same prices in size groups 1, 2, 4 and 6 on all price tables as listed for mine with Index No. 22.  
" This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index No. 22.  
" This mine shall have the same price in size groups 1, 2, 6, 13 and 23 on all price tables as listed for mines with Index Nos. 71, 72 and 73.  
" These mines shall have the same prices in size groups 1, 2, 4, 6, 17, 18, and 26 on all price tables as listed for mines with Index No. 18.  
" This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index No. 18.  
" This mine shall have the same prices in size groups 1, 2, and 18 on all price tables as listed for mine with Index No. 18.  
" This mine shall have a price in size group 7 and 23 on all price tables, 10¢ under the prices listed in size groups 6 and 18, respectively, for mine with Index No. 18.  
" This mine shall have the same prices in size groups 9 and 11 on all price tables as listed for mine with Index No. 459 shall be decided by using the Glen Allen rate as Any freight rate adjustments applicable to Mine Index No. 459 shall be decided by using the Glen Allen rate as

### **§ 333.6 General prices—Supplement R-VII—Continued**

| Mine index No. | Code member                           | Mine             | Subdistrict            | Seam               | Prelight origin<br>group |
|----------------|---------------------------------------|------------------|------------------------|--------------------|--------------------------|
| Mine index No. | Code member                           | Mine             | Subdistrict            | Seam               | Prelight origin<br>group |
| 311            | Davidson, H. S.                       | Jefferson County | Davidson N.            | 1 Pratt.....       | 80                       |
| 311            | Davidson, H. S.                       | Alabama          | Jefferson County       | 1 Pratt.....       | 80                       |
| 249            | Freeman, Willis S. (Freeman Coal Co.) | Cullman County   | Freeman n.....         | 1 Black Creek..... | 3                        |
| 11162          | Colonial Coal & Coke Company          | Jefferson County | Pratt # 2 Slope #..... | 1 Pratt.....       | 3                        |
| 10115          | Aldridge, Gray                        | Marion County    | Aldridge n.....        | 1 Black Creek..... | 10                       |
| 1453           | Allison, C. E.                        |                  | Butler #3 n.....       | 1 Black Creek..... | 10                       |
| 1082           | Basssey & Doss                        |                  | Beasley & Doss n.....  | 1 Black Creek..... | 10                       |
| 763            | Butler, Clarence                      |                  | Butler #1 n.....       | 1 Black Creek..... | 10                       |
| 965            | Collier, G. M.                        |                  | Collier n.....         | 1 Black Creek..... | 10                       |
| 1911           | Farris, Dee                           |                  | D. Farris #1.....      | 1 Black Creek..... | 10                       |
| 1436           | Guthrie, Fred                         |                  | Winston #5 n.....      | 1 Black Creek..... | 10                       |
| 1167           | Miles, Roy                            |                  | Wheeler #6 n.....      | 1 Black Creek..... | 10                       |
| 10973          | Weeks, Leatha                         |                  | Weeks #1.....          | 1 Black Creek..... | 10                       |
| 149            | Robbins, R. L.                        |                  | Moore #1.....          | 1 Black Creek..... | 10                       |
| 149            | Robbins, R. L.                        |                  | Wheeler Scriv. #1..... | 1 Black Creek..... | 10                       |

"Docket A-458.  
"This mine shall have the same prices in size groups 1, 2, 4 and 6 on all price tables as listed for mine with Index No. 22.  
"This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index No. 22.  
"This mine shall have the same price in size groups 1, 2, 6, 13 and 23 on all price tables as listed for mines with Index Nos. 71, 72 and 73.  
"These mines shall have the same prices in size groups 1, 2, 4, 6, 17, 18, and 26 on all price tables as listed for mines with Index No. 18.  
"These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index No. 18.  
"This mine shall have the same prices in size groups 1, 2, and 18 on all price tables as listed for mine with Index No. 18.  
"This mine shall have a price in size group 7 and 23 on all price tables, 10¢ under the prices listed in size groups 6 and 18, respectively, for mine with Index No. 18.  
"This mine shall have the same prices in size groups 9 and 11 on all price tables as listed for mine with Index No. 459.  
"Any freight rate adjustments applicable to Mine Index No. 459 shall be decided by using the Glen Allen rate as

| Mine index No. | Code member                   | Mine               | Bubble district | Seam        | group<br>origin |
|----------------|-------------------------------|--------------------|-----------------|-------------|-----------------|
|                |                               | ALABAMA—Continued  |                 |             |                 |
|                |                               | TUSCALOOSA COUNTY  |                 |             |                 |
| 532            | Avery, J. W. (Avery Coal Co.) | Avery Coal Co. #   | 1               | Middle      |                 |
|                |                               | WALKER COUNTY      |                 |             |                 |
| 624            | McGough & Co., J. Tom         | McGough Mine #     | 1               | Black Creek | 101             |
| 568            | Bonner, George F.             | Bonners #          | 1               | Black Creek | 101             |
| 646            | Rice and Day (W. P. Rice)     | Rice & Hambright # | 1               | Black Creek | 80              |
| 647            | Rice, Preston                 | Rice #1            | 1               | Black Creek | 80              |
| 645            | Rice, Herman                  | Rice #4            | 1               | Black Creek | 80              |
|                |                               | WINSTON COUNTY     |                 |             |                 |
| 678            | Garrett & Sons, D. E.         | Lone Oak #         | 1               | Black Creek | III             |
| 940            | Swindle Coal Co.              | Swindle #          | 1               | Black Creek | III             |
|                |                               | WALKER COUNTY      |                 |             |                 |
| 1229           | Hemphill, Paul J.             | Rice #4            | 1               | Black Creek | 80              |

<sup>w</sup> This mine shall have the same prices in size groups 1, 4 and 18 on all price tables as listed for mine with Index No. 18.  
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index No. 18.  
<sup>x</sup> This mine shall have the same prices in size groups 22 and 23 on all price tables as listed for size groups 17 and 18, respectively, for mine with Index No. 17.  
These mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index No. 22.  
These mines shall have the same price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 22.  
<sup>y</sup> This mine shall have the same price in size group 13 on all price tables as listed for mine with Index No. 14.  
This mine shall have the same price in size group 23 on all price tables as listed for mine with Index No. 23.  
This mine shall have the same price in size group 18 on all price tables as listed for mine with Index No. 22.  
This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed for size group 18 for mine with Index No. 22.

| Altitude index No. | Code member         | Minn  | Subdistrict  | Seam   | Freight rate group |
|--------------------|---------------------|---|--|--|--------------------|
| 411<br>466<br>472  | MARION COUNTY, ALA. | Burgess, J. H.<br>Fate & Son (Sterling Pipe)<br>Segars, J. D. | Burgess n.....<br>Fate & Son n.....<br>Segars n..... | Black Creek.....<br>Black Creek.....<br>Black Creek..... | 101<br>101<br>101  |

<sup>11</sup> Docket No. A-3018.  
These mines shall have a price in size group 19 on all price tables, 10% higher than the price listed for Mine with Index No. 14.  
These mines shall have a price in size group 23 on all price tables, 10% under the price listed in size group 18 for Mine with Index No. 14.

## FEDERAL REGISTER, Tuesday, November 18, 1941

**§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I<sup>1</sup>**

| Code member index   | Mine | Sub-district | Seam | Lump;<br>over $\frac{3}{4}$ ,<br>Egg;<br>top size<br>over 6" | Lump;<br>2" and<br>under | Chestnut;<br>top size 3",<br>and under,<br>bottom size<br>over $\frac{1}{2}$ " | Nut; top size<br>3", and under,<br>bottom size<br>over $\frac{1}{2}$ " | Wash | Raw | Wash | Raw | Wash | Raw | Wash | Raw | Wash | Raw | Screenings;<br>$\frac{1}{2}"$ and<br>under | Run of<br>mine<br>modified<br>R/M | Resultants;<br>3" and<br>under | Run of<br>mine<br>modified<br>R/M | Resultants;<br>top<br>size 1 $\frac{1}{2}$ " and<br>under | Run of<br>mine<br>modified<br>R/M | Resultants;<br>3" and<br>under | Run of<br>mine<br>modified<br>R/M | Screenings;<br>$\frac{1}{2}"$ and<br>under | Industrial<br>coal |
|---|------|--------------|------|--|--------------------------|--|--|------|-----|------|-----|------|-----|------|-----|------|-----|--|-----------------------------------|--------------------------------|-----------------------------------|---|-----------------------------------|--------------------------------|-----------------------------------|--|--------------------|
|   |      |              |      | 1  | 2                        | 3  | 6  | 7    | 8   | 9    | 10  | 11   | 12  | 13   | 14  | 15   | 16  | 17   | 18                                | 23                             | 24, 25, 26                        | 25  | 26                                | 27                             | 28                                | 29   | 30                 |
| All mines in Cullman, Marion, Walker and Winston Counties, Alabama, operating in the Black Creek Seam shall have the following price classification in size group 23. |      |              |      |  |                          |  |  |      |     |      |     |      |     |      |     |      |     |  |                                   |                                |                                   |   |                                   |                                |                                   |  |                    |
| All names in Walker County, Alabama, operating in Pratt, Corona and America Seams shall have the following price classification in size group 23.                     |      |              |      |  |                          |  |  |      |     |      |     |      |     |      |     |      |     |  |                                   |                                |                                   |   |                                   |                                |                                   |  |                    |

<sup>1</sup> Docket No. A-594.

**§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-II<sup>2</sup>**

| Code member index                | Mine                    | Sub-district | Seam | Lump;<br>over $\frac{3}{4}$ ,<br>Egg;<br>top size<br>over 6" | Lump;<br>2" and<br>under | Chestnut;<br>top size 3",<br>and under,<br>bottom size<br>over $\frac{1}{2}$ " | Nut; top size<br>3", and under,<br>bottom size<br>over $\frac{1}{2}$ " | Wash | Raw | Wash | Raw | Wash | Raw | Wash | Raw | Wash | Raw | Screenings;<br>$\frac{1}{2}"$ and<br>under | Run of<br>mine<br>modified<br>R/M | Resultants;<br>3" and<br>under | Run of<br>mine<br>modified<br>R/M | Resultants;<br>top<br>size 1 $\frac{1}{2}$ " and<br>under | Run of<br>mine<br>modified<br>R/M | Resultants;<br>3" and<br>under | Run of<br>mine<br>modified<br>R/M | Screenings;<br>$\frac{1}{2}"$ and<br>under | Industrial<br>coal |
|----------------------------------|-------------------------|--------------|------|--|--------------------------|--|--|------|-----|------|-----|------|-----|------|-----|------|-----|--|-----------------------------------|--------------------------------|-----------------------------------|---|-----------------------------------|--------------------------------|-----------------------------------|--|--------------------|
|                                  |                         |              |      | 1  | 2                        | 3  | 6  | 7    | 8   | 9    | 10  | 11   | 12  | 13   | 14  | 15   | 16  | 17   | 18                                | 23                             | 24, 25, 26                        | 25  | 26                                | 27                             | 28                                | 29   | 30                 |
| ALABAMA                          |                         |              |      |  |                          |  |  |      |     |      |     |      |     |      |     |      |     |  |                                   |                                |                                   |   |                                   |                                |                                   |  |                    |
| BLOUNT COUNTY                    |                         |              |      |  |                          |  |  |      |     |      |     |      |     |      |     |      |     |  |                                   |                                |                                   |   |                                   |                                |                                   |  |                    |
| Beasley, W. H. ....              | Blount Springs Coal Co. | 2            | 1055 | Black Creek .....  |                          | 355  | 340  | 345  | 325 | 310  | 300 | 295  | 285 | 285  | 275 | 265  | 265 | 265  | 265                               | 265                            | 265                               | 265   | 265                               | 265                            | 265                               | 265  | 265                |
| ETOWAH COUNTY                    |                         |              |      |  |                          |  |  |      |     |      |     |      |     |      |     |      |     |  |                                   |                                |                                   |   |                                   |                                |                                   |  |                    |
| Vernon, J. O. ....               | Woods Holler .....      | 2            | 1072 | Underwood .....  |                          | 346  | 345  | 320  | 315 | 295  | 295 | 270  | 280 | 255  | 260 | 260  | 260 | 260  | 260                               | 260                            | 260                               | 260   | 260                               | 260                            | 260                               | 260  | 260                |
| JACKSON COUNTY                   |                         |              |      |  |                          |  |  |      |     |      |     |      |     |      |     |      |     |  |                                   |                                |                                   |   |                                   |                                |                                   |  |                    |
| Womack, M. E. ....               | Womack .....            | 2            | 961  |  |                          | 325  | 325  | 325  | 320 | 310  | 310 | 295  | 305 | 305  | 305 | 295  | 295 | 295  | 295                               | 295                            | 295                               | 295   | 295                               | 295                            | 295                               | 295  | 295                |
| JEFFERSON COUNTY                 |                         |              |      |  |                          |  |  |      |     |      |     |      |     |      |     |      |     |  |                                   |                                |                                   |   |                                   |                                |                                   |  |                    |
| Carr, W. C. (Carr Coal Co.) .... | Pratt .....             | 2            | 1106 |  |                          | 325  | 325  | 320  | 310 | 310  | 310 | 295  | 305 | 305  | 305 | 295  | 295 | 295  | 295                               | 295                            | 295                               | 295   | 295                               | 295                            | 295                               | 295  | 295                |
| Cox Coal Company .....           | Clark .....             | 2            | 1081 |  |                          | 365  | 340  | 335  | 315 | 315  | 315 | 295  | 305 | 305  | 305 | 295  | 295 | 295  | 295                               | 295                            | 295                               | 295   | 295                               | 295                            | 295                               | 295  | 295                |
| Hart & Smith (Omar Hart) .....   | Black Creek .....       | 2            | 1059 |  |                          | 355  | 345  | 325  | 310 | 310  | 310 | 295  | 305 | 305  | 305 | 295  | 295 | 295  | 295                               | 295                            | 295                               | 295   | 295                               | 295                            | 295                               | 295  | 295                |
| Moore, W. B. ....                | L. Nunnally .....       | 2            | 1047 |  |                          | 280  | 280  | 275  | 295 | 295  | 295 | 275  | 275 | 275  | 275 | 275  | 275 | 275  | 275                               | 275                            | 275                               | 275   | 275                               | 275                            | 275                               | 275  | 275                |
| Sheeler #2 .....                 | Pratt .....             | 2            | 1105 |  |                          | 325  | 325  | 320  | 310 | 310  | 310 | 295  | 305 | 305  | 305 | 295  | 295 | 295  | 295                               | 295                            | 295                               | 295   | 295                               | 295                            | 295                               | 295  | 295                |
| MARION COUNTY                    |                         |              |      |  |                          |  |  |      |     |      |     |      |     |      |     |      |     |  |                                   |                                |                                   |   |                                   |                                |                                   |  |                    |
| Barnes, W. C. ....               | Harbin #1 .....         | 2            | 1087 | Black Creek .....  |                          | 385  | 360  | 335  | 335 | 315  | 315 | 315  | 315 | 315  | 315 | 305  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Ben W. Miles #6 .....            | Black Creek .....       | 2            | 1088 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Box & Sullivan #2 .....          | Black Creek .....       | 2            | 1078 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Holcomb Hill #2 .....            | Black Creek .....       | 2            | 1089 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Crow & Richardson .....          | Black Creek .....       | 2            | 1062 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Jasper Coal Co. #2 .....         | Black Creek .....       | 2            | 1060 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Garn, Claud .....                | Black Creek .....       | 2            | 1061 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Hartard, L. J. ....              | Black Creek .....       | 2            | 1063 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Holcomb & Morgan .....           | Black Creek .....       | 2            | 987  |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Logan Quinn .....                | Black Creek .....       | 2            | 1086 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| McGuire, John W. ....            | Black Creek .....       | 2            | 1048 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Hallmark #3 .....                | Black Creek .....       | 2            | 1073 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Ingram #3 .....                  | Black Creek .....       | 2            | 1069 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Walter Rawl's .....              | Black Creek .....       | 2            | 1071 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Ingram #1 .....                  | Black Creek .....       | 2            | 1070 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Tidwell, Robert .....            | Black Creek .....       | 2            | 1072 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Weeks, Leath .....               | Black Creek .....       | 2            | 1073 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Wideman & Martin .....           | Black Creek .....       | 2            | 1074 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |
| Wilcutt Brothers .....           | Black Creek .....       | 2            | 1072 |  |                          | 385  | 385  | 360  | 335 | 335  | 315 | 315  | 315 | 315  | 315 | 315  | 305 | 305  | 305                               | 305                            | 305                               | 305   | 305                               | 305                            | 305                               | 305  | 305                |

<sup>1</sup> Docket No. A-240.<sup>2</sup> Erroneously listed in Temporary order as Weeks, Luther. Indicates no classification effective for these size groups.

General prices in cents per net ton for shipment into all market areas—Supplement T-II—Continued

Temporarily Voted in Temporary order as M 1048

<sup>4</sup> PROBABLY USED IN THEIR TURN AS M. I. USHER.

<sup>†</sup> Indicates no classification effective for these size groups.  
<sup>\*</sup> For sizes included see Size Group Table, p. 333-42.

§ 333.43 General prices in cents per net ton for shipment into all market areas—  
Supplement T-III—Continued

**§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-IV\***

| Code member index | Mine | Sub-district | Seam | Lump: over 2", egg: top size 6", over 6" | Egg: top size 6", over 6", egg: top size 6", over 6" | Nut: top size 3", bottom size over 1/2" | Chestnut: top size 1 1/2", bottom size 1/2" and under | Run of mine modified R/M | Resultants: 3" and under | Screenings: 1 1/2" and under | Industrial coal |
|-------------------|------|--------------|------|--|--|---|---|--------------------------|--------------------------|------------------------------|-----------------|
|                   |      |              |      | Lump: 2" and under                       | Lump: 2" and under                                   | Wash                                    | Raw   | Wash                     | Raw                      | Wash                         | Raw             |
|                   |      |              | 1    | 2  | 3  | 6                                       | 7   | 8                        | 9                        | 10                           | 11              |
|                   |      |              |      |  |  |   |   |                          |                          | 17                           | 22              |
|                   |      |              |      |  |  |   |   |                          |                          | 18                           | 23              |
|                   |      |              |      |  |  |   |   |                          |                          | 24, 25, 26                   |                 |

**ALABAMA**

**BLOUNTV COUNTY**

All the mines in this county operating in the Black Creek and Tait's Gap Seams shall have the following classifications and minimum prices.....

\* Docket No. A-170.

**§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-V \***

| Code member index | Mine | Sub-district | Seam | Lump: over 2", egg: top size 6", over 6" | Egg: top size 6", over 6", egg: top size 6", over 6" | Nut: top size 3", bottom size over 1/2" | Chestnut: top size 1 1/2", bottom size 1/2" and under | Run of mine modified R/M | Resultants: 3" and under | Screenings: 1 1/2" and under | Industrial coal |
|-------------------|------|--------------|------|--|--|---|---|--------------------------|--------------------------|------------------------------|-----------------|
|                   |      |              |      | Lump: 2" and under                       | Lump: 2" and under                                   | Wash                                    | Raw   | Wash                     | Raw                      | Wash                         | Raw             |
|                   |      |              | 1    | 2  | 3  | 6                                       | 7   | 8                        | 9                        | 10                           | 11              |
|                   |      |              |      |  |  |   |   |                          |                          | 13                           | 17              |
|                   |      |              |      |  |  |   |   |                          |                          | 18                           | 22              |
|                   |      |              |      |  |  |   |   |                          |                          | 24, 25, 26                   |                 |

**TUSCALOOSA COUNTY, ALABAMA**

All mines in this county operating in the Milldale, Weyer, Woodstock-North River, Chambers, Bowers, Perkins and Johnson seams shall have the following price classification in size group 23.....

\* Docket No. A-296.

**§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-VI;**

| Code member index | Mine | Seam | Base sizes                               |                                     |                                      |                                      |                                      |                                      |                                      |                                      |
|-------------------|------|------|--|-------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
|                   |      |      | Lump: over 2", egg: top size 6", over 6" | Lump: 2", egg: top size 6", over 6" | Scree: 2", egg: top size 6", over 6" | Scree: 3", egg: top size 6", over 6" | Scree: 3", egg: top size 6", over 6" | Scree: 3", egg: top size 6", over 6" | Scree: 3", egg: top size 6", over 6" | Scree: 3", egg: top size 6", over 6" |
|                   |      |      | 1  | 2                                   | 3                                    | 4                                    | 5                                    | 6                                    | 7                                    | 8                                    |
|                   |      |      |  |                                     |                                      |                                      |                                      |                                      |                                      | 230                                  |

**SUB-DISTRICT NO. 4, WHITE COUNTY, TENNESSEE**

Commencing immediately, Part 333, Schedule of Effective Minimum Prices for District No. 13 and Supplements thereto are amended to provide that all mines in White County, Tennessee; shall have the following size groups for their coals for shipment by truck.....

\* Docket No. A-402.  
Price Exception No. 4 entitled "Seasonal Discounts" listed in § 333.41 in Part 333, shall not be applicable to such mines.

No Price Exceptions shall apply to the coal of these mines which are not also applicable to coals in District No. 8 as set forth in § 333.31 in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

## FEDERAL REGISTER, Tuesday, November 18, 1941

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-VII\*

| Code member index                    | Mine | Sub-district | Mine Index No.   | Seam | Lump, over 2", egg, 6" and top size over 6" | Lump, over 2", egg, 6" and top size over 6" | Nut, top size 3" and under, bottom size over 3/4" | Chestnut, top size 1 1/2" and under, bottom size 3/4" and under | Run of mine, modified R/M |     |      | Residants 3/4" and under | Screenings 1 1/2" and under | Industrial coal |     |
|--------------------------------------|------|--------------|------------------|------|---|---|---|---|---------------------------|-----|------|--------------------------|-----------------------------|-----------------|-----|
|                                      |      |              |                  |      |   |   |   |   | Wash                      | Raw | Wash | Raw                      |                             |                 |     |
| ALABAMA                              |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 |     |
| BLOUNT COUNTY                        |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 |     |
| Parker & Faustine Coal Co.,--        | 2    | 884          | Black Creek..... |      | 355   | 340   | 345   | 325   | 310                       | 300 | 295  | 285                      | 275                         | 265             | 250 |
| CULLMAN COUNTY                       |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 | 285 |
| Boyd & Boyd,--                       | 2    | 1150         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 225 |
| DE KALB COUNTY                       |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 | 290 |
| Cooper, W. C.,--                     | 2    | 1157         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 250 |
| Tunnel,--                            | 2    | 1111         | Underwood.....   |      | 345   | 320   | 315   | 295   | 270                       | 280 | 255  | 260                      | 290                         | 255             | 240 |
| JEFFERSON COUNTY                     |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 | 260 |
| Colonial Coal & Coke Company         | 2    | 1162         | Pratt.....       |      | 325   | 325   | 320   | 310   | 310                       | 305 | 300  | 295                      | 270                         | 250             | 240 |
| Odom, O. J.,--                       | 2    | 1639         | Pratt.....       |      | 325   | 325   | 320   | 310   | 310                       | 305 | 300  | 295                      | 270                         | 250             | 240 |
| MARION COUNTY                        |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 |     |
| Doss & Beasley,--                    | 2    | 1022         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 225 |
| Hallmark, Lewis and W. C. Tidwell,-- | 2    | 1023         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 225 |
| Wheeler Strip,--                     | 2    | 1164         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 225 |
| SHELBY COUNTY                        |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 |     |
| Hyde & Houston,--                    | 2    | 1158         | Dogwood.....     |      | 365   | 340   | 335   | 315   | 315                       | 300 | 290  | 275                      | 275                         | 260             | 175 |
| TUSCALOOSA COUNTY                    |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 | 275 |
| Boyd, H. C., Jr.,--                  | 2    | 1151         | Brookwood.....   |      | 275   | 275   | 295   | 275   | 280                       | 260 | 250  | 225                      | 235                         | 200             | 180 |
| Rayne, J. W. & Tom Foster,--         | 2    | 1152         | Chambers.....    |      | 385   | 360   | 335   | 315   | 305                       | 315 | 300  | 290                      | 275                         | 265             | 225 |
| Williams #1,--                       | 2    | 1165         | Milldale.....    |      | 355   | 340   | 345   | 325   | 310                       | 300 | 295  | 285                      | 275                         | 265             | 230 |
| Williams #2,--                       | 2    | 1166         | Milldale.....    |      | 355   | 340   | 345   | 325   | 310                       | 300 | 295  | 285                      | 275                         | 265             | 230 |
| WALKER COUNTY                        |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 |     |
| Honey Suckle,--                      | 2    | 1156         | Mary Lee.....    |      | 275   | 275   | 295   | 275   | 280                       | 260 | 250  | 225                      | 235                         | 200             | 180 |
| Gulfrie, J. M.,--                    | 2    | 1154         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 225 |
| Guthrie, R. O.,--                    | 2    | 1110         | Mary Lee.....    |      | 275   | 275   | 295   | 275   | 280                       | 260 | 250  | 225                      | 235                         | 200             | 180 |
| Kempville, Paul J.,--                | 2    | 1229         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 225 |
| Robbins, Leah Sides, V.,--           | 2    | 1112         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 225 |
| Owens #6,--                          | 2    | 1133         | Mary Lee.....    |      | 275   | 275   | 295   | 275   | 280                       | 260 | 250  | 225                      | 235                         | 200             | 180 |
| Delmar,--                            | 2    | 1116         | Black Creek..... |      | 385   | 360   | 335   | 315   | 305                       | 310 | 300  | 290                      | 275                         | 265             | 225 |
| WINSTON COUNTY                       |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 | 225 |
| Aderholt, W. C.,--                   |      |              |                  |      |   |   |   |   |                           |     |      |                          |                             |                 | 225 |

\* Docket No. A-438.

General prices in cents per net ton for shipment into all market areas—Supplement T-VIII

\*For sizes included see Size Group Table 1 333-42.

• For sizes included see **Table 1** in *ibid.*, p. 333-42.  
 • Indicates no classification effective for these size groups.

"playfully classified in these three groups.

§ 333.43 General prices in cents per net ton for shipment into all market areas—  
Supplement T-VIII—Continued

|                   |      |             |                |  |        |                      |
|-------------------|------|-------------|----------------|--|--------|----------------------|
|                   |      |             |                |  |        |                      |
| Code member index | Mine | Subdistrict | Mine index No. | Lump over 2", egg<br>4" x 6", egg<br>lump 2", and under,<br>egg 3" x 6"  | 1<br>2 | 3<br>4               |
|                   | Seam |             |                | Lump over 2", egg<br>4" x 6", egg<br>lump 2", and under,<br>egg 3" x 6"  |        |                      |
| Base sizes        |      |             |                | Egg 2", x 4", egg 2", x<br>Lump 3", and under,<br>egg 3" x 6"  |        |                      |
|                   |      |             |                | Egg 2", x 4", egg 2", x<br>Lump 3", and under,<br>egg 3" x 6"  |        |                      |
|                   |      |             |                | Stove 3", and under,<br>unit 2", and under,<br>unit 2", and under,<br>Stove 2", x 4", egg 2", x<br>Egg 2", x 4", egg 2", x<br>Lump 3", and under,<br>egg 3" x 6" |        |                      |
|                   |      |             |                | Straitt mine run<br>2", and under, black<br>3", and under, black   |        |                      |
|                   |      |             |                | 3", and under, black   | 8      | 130                  |
|                   |      |             |                | 7  | 195    | 135                  |
|                   |      |             |                | 6  | 185    | 210                  |
|                   |      |             |                | 5  | 195    | 230                  |
|                   |      |             |                | 4  | 205    | 230                  |
|                   |      |             |                | 3  | 210    | 230                  |
|                   |      |             |                | 2  | 185    | 210                  |
|                   |      |             |                | 1  | 195    | 230                  |
|                   |      |             |                |  | 1134   | Sewanee, ...         |
|                   |      |             |                |  | 4      | Dotson & Sparks, ... |
|                   |      |             |                |  |        | WHITE COUNTY, TENN.  |
|                   |      |             |                |  |        | Dotson & Sparks      |

## FEDERAL REGISTER, Tuesday, November 18, 1941

## § 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-IX.

| Code member index                       | Mine                 | Sub-district | Mine index No. | Seam         | Lump: over 2", egg: top size 1/2" and under over 6" | Egg: top size 2", egg: top size 1/2" and under over 6" | Nut: top size 3/4" and under, bottom size over 3/4" | Lump: over 2", egg: top size 1/2" and under over 6" | Chestnut: top size 1 1/2" and under, bottom size 1/2" and under |     |     |     | Run of mine modified R/M |     |     |     | Chestnut: top size 3/4" and under, bottom size over 3/4" |     |     |     | Run of mine modified R/M |     |     |     | Screenings: 1 1/2" and under |     |     |
|---|----------------------|--------------|----------------|--------------|---|--|---|---|---|-----|-----|-----|--------------------------|-----|-----|-----|--|-----|-----|-----|--------------------------|-----|-----|-----|------------------------------|-----|-----|
|   |                      |              |                |              |   |  |   |   | Wash  |     |     |     | Raw                      |     |     |     | Wash   |     |     |     | Wash                     |     |     |     |                              |     |     |
|   |                      |              |                |              |   |  |   |   | 1   | 2   | 3   | 6   | 7                        | 8   | 9   | 10  | 11   | 10  | 17  | 22  | 18                       | 23  | 24  | 25  | 26                           |     |     |
| ALABAMA                                 | CULLMAN COUNTY       | King, E. D.  | 2              | 1123         | Black Creek   | 385  | 385   | 360   | 335   | 315 | 305 | 310 | 300                      | 290 | 275 | 265 | 265  | 255 | 255 | 255 | 255                      | 255 | 255 | 255 | 255                          | 255 | 255 |
| JEFFERSON COUNTY                        | Beck                 | 2            | 1128           | Black Creek  | 385   | 385  | 340   | 345   | 325   | 310 | 300 | 295 | 285                      | 285 | 275 | 265 | 265  | 265 | 255 | 255 | 255                      | 255 | 255 | 255 | 255                          | 255 | 255 |
| Crane & Jay                             | Beltona #6.          | 2            | 11302          | Black Creek  | 385   | 385  | 345   | 345   | 325   | 315 | 305 | 310 | 300                      | 290 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| Elmore, Z. J. (Alabama Coal Mining Co.) | Washington           | 2            | 1100           | Mary Lee     | 385   | 385  | 345   | 345   | 325   | 315 | 305 | 310 | 300                      | 290 | 285 | 285 | 285  | 285 | 285 | 285 | 285                      | 285 | 285 | 285 | 285                          | 285 | 285 |
| Hudson & Garrett (W. H. Hudson)         | Mulchill             | 2            | 1111           | Black Creek  | 375   | 375  | 340   | 345   | 325   | 315 | 305 | 310 | 300                      | 290 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| Mulchill, Willie                        | Mankus               | 2            | 1118           | Upper Gould  | 365   | 365  | 340   | 345   | 325   | 315 | 305 | 310 | 300                      | 290 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| Murphy & Son, R. J.                     | Strickland & Lowe #2 | 2            | 886            | Buck         | 365   | 365  | 340   | 345   | 325   | 315 | 305 | 310 | 300                      | 290 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| Strickland & Lowe Mining Co., Inc.      | Strickland & Lowe #3 | 2            | 1136           | L. Nunnally  | 380   | 380  | 325   | 325   | 305   | 310 | 305 | 310 | 300                      | 290 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| Strickland & Lowe Mining Co., Inc.      | Turner               | 2            | 1124           | Black Creek  | 375   | 375  | 345   | 345   | 325   | 310 | 305 | 310 | 300                      | 295 | 285 | 285 | 285  | 285 | 285 | 285 | 285                      | 285 | 285 | 285 | 285                          | 285 | 285 |
| Wood Coal Company, P. G.                | Fox Hill             | 2            | 1145           | Nickel Plate | 290   | 290  | 285   | 285   | 275   | 310 | 300 | 295 | 285                      | 275 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| MARION COUNTY                           | Buell, A.            | 2            | 1128           | Black Creek  | 385   | 385  | 360   | 365   | 335   | 315 | 305 | 315 | 305                      | 300 | 290 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| Dodd                                    | 1141                 | 2            | 962            | Black Creek  | 385   | 385  | 360   | 365   | 335   | 315 | 305 | 315 | 305                      | 300 | 290 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| Robert Ramsey                           | 1129                 | 2            | 1129           | Black Creek  | 385   | 385  | 360   | 365   | 335   | 315 | 305 | 315 | 305                      | 300 | 290 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| Sell, Sims & White                      | 1139                 | 2            | 1139           | Black Creek  | 385   | 385  | 360   | 365   | 335   | 315 | 305 | 315 | 305                      | 300 | 290 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 | 275 |
| TUSCALOOSA COUNTY                       | Champion, H. O.      | 2            | 1130           | Bowers       | 365   | 365  | 340   | 345   | 325   | 310 | 300 | 305 | 295                      | 285 | 285 | 285 | 285  | 285 | 285 | 285 | 285                      | 285 | 285 | 285 | 285                          | 285 |     |
| Weaver & Hallinan                       | Seale & Perrin       | 2            | 1142           | Middleale    | 365   | 365  | 340   | 345   | 325   | 310 | 300 | 295 | 285                      | 285 | 285 | 285 | 285  | 285 | 285 | 285 | 285                      | 285 | 285 | 285 | 285                          | 285 |     |
| L. H. Guthrie                           | 2                    | 1116         | Mary Lee       | 375          | 375   | 365  | 365   | 345   | 325   | 305 | 315 | 305 | 300                      | 290 | 270 | 270 | 270  | 270 | 270 | 270 | 270                      | 270 | 270 | 270 | 270                          | 270 |     |
| Hartan & Bridgeman                      | 2                    | 1104         | Mary Lee       | 375          | 375   | 365  | 365   | 345   | 325   | 305 | 315 | 305 | 300                      | 290 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 |     |
| A. M. Hilton                            | 2                    | 1021         | Jagger         | 385          | 385   | 370  | 370   | 350   | 330   | 310 | 320 | 300 | 290                      | 275 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 |     |
| Hudson, John M.                         | 2                    | 1120         | Jefferson      | 385          | 385   | 370  | 370   | 350   | 330   | 310 | 320 | 300 | 290                      | 275 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 |     |
| King, E. W.                             | 2                    | 1122         | Mary Lee       | 375          | 375   | 365  | 365   | 345   | 325   | 305 | 315 | 305 | 300                      | 290 | 270 | 270 | 270  | 270 | 270 | 270 | 270                      | 270 | 270 | 270 | 270                          | 270 |     |
| Millwood & Sons, J. M.                  | 2                    | 1131         | Mary Lee       | 375          | 375   | 365  | 365   | 345   | 325   | 305 | 315 | 305 | 300                      | 290 | 270 | 270 | 270  | 270 | 270 | 270 | 270                      | 270 | 270 | 270 | 270                          | 270 |     |
| Sheer, J. R., Jr.                       | 2                    | 1123         | Black Creek    | 385          | 385   | 370  | 370   | 350   | 330   | 310 | 320 | 300 | 290                      | 275 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 |     |
| Whitt & Son, I. C.                      | 2                    | 1101         | Mary Lee       | 275          | 275   | 265  | 265   | 245   | 225   | 205 | 215 | 195 | 185                      | 175 | 165 | 155 | 145  | 135 | 125 | 115 | 105                      | 95  | 85  | 75  | 65                           | 55  |     |
| Adridge, Leon                           | WINSTON COUNTY       | 2            | 1100           | Black Creek  | 385   | 385  | 360   | 335   | 315   | 315 | 305 | 300 | 290                      | 275 | 275 | 275 | 275  | 275 | 275 | 275 | 275                      | 275 | 275 | 275 | 275                          | 275 |     |

\* Docket A-343.  
No. 224—4

\*\* Erroneously listed in Temporary Order as M. I. 318.

" Applies to nut coal only 4" top size.

General prices in cents per net ton for shipment into all market areas—Supplement T-X

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\*\* Indicates previously classified these size groups.

<sup>†</sup> Indicates no classification effective for these size groups.

§ 333.43 General prices in cents per net ton for shipment into all market areas—  
Supplement T-X—Continued

| Code member index                    | Mine          | Subdistrict | Mine index No. | Seam | Base sizes                   |                                     |                        |                           |                    |                   |                    |                         |
|--------------------------------------|---------------|-------------|----------------|------|------------------------------|-------------------------------------|------------------------|---------------------------|--------------------|-------------------|--------------------|-------------------------|
|                                      |               |             |                |      | Lump over 2", Egg<br>4" x 6" | Lump 2" and un-<br>der. Egg 3" x 6" | Lump 3/4" and<br>under | Egg 2" x 4",<br>3/4" x 6" | Slove 3" and under | Straight mine run | 2" and under Slack | 3/4" and under<br>Slack |
|                                      |               |             |                |      | 1                            | 2                                   | 3                      | 4                         | 5                  | 6                 | 7                  | 8                       |
| WHITE COUNTY, TENN.                  |               |             |                |      |                              |                                     |                        |                           |                    |                   |                    |                         |
| Hickey, Leslie.....                  | Hickey's..... | 4 1132      | Bon Air.....   | 250  | 230                          | 205                                 | 210                    | 185                       | 195                | 135               | 130                |                         |
| West Brothers and Ben Donaldson..... | Clift #1..... | 4 829       | Sewanee.....   | 250  | 230                          | 205                                 | 210                    | 185                       | 195                | 135               | 130                |                         |

[F. R. Doc. 41-8539; Filed, November 14, 1941; 10:50 a. m.]

**TITLE 32—NATIONAL DEFENSE**  
**CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT**

**SUBCHAPTER B—PRIORITIES DIVISION**  
**PART 967—FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS**

*Amendment No. 3 to General Preference Order No. M-25<sup>1</sup> to Conserve the Supply and Direct the Distribution of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins Produced Therefrom*

Section 967.1 (General preference order No. M-25) is hereby amended in the following particulars:

- (1) In paragraph (c) (1) (i), Bases for Radio Tubes shall be included in the enumeration designated Classification I.
- (2) In paragraph (c) (1) (ii), the words "and radio parts not otherwise specifically provided for" shall be added after the word "Radios" appearing in the enumeration designated Classification II.

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of November 1941.

D. M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8568; Filed, November 17, 1941;  
9:59 a. m.]

<sup>1</sup> 6 F.R. 4301, 4527, 5090.

**PART 967 — FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS**

*Amendment No. 4 to General Preference Order No. M-25<sup>1</sup> to Conserve the Supply and Direct the Distribution of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins Produced Therefrom*

Section 967.1, paragraph (c) (2) is hereby amended to read as follows:

**§ 967.1 General preference order No. M-25.**

\* \* \* \* \*

(c) \* \* \* (2) Deliveries of Resins made directly or indirectly from Formaldehyde for non-defense uses, enumerated in Classification I, are hereby assigned a preference rating of B-4, and deliveries of Resins made directly or indirectly from Formaldehyde for non-defense uses, enumerated under Classification II, are hereby assigned a preference rating of B-8. In Classifications I and II, the preference ratings, hereinabove mentioned in this paragraph (c) (2), are granted only to deliveries of Resins the use of which is essential to the functioning of the classified articles or use, except that,

(i) A preferences rating of B-8 is hereby assigned to deliveries of Synthetic Resins Molding Powder to radio manufacturers in amounts required by such radio manufacturers to fabricate molded radio cabinets for existing inventories of radio chassis and component parts therefor; and

(ii) Radio manufacturers who manufacture their own Synthetic Resins Molding Powder may use such powder in amounts required, taking into consideration amounts received under para-

graph (c) (2) (i) above, by such radio manufacturers to fabricate molded radio cabinets for existing inventories of radio chassis and component parts therefor.

No such preference ratings are assigned to deliveries of Resins if satisfactory substitutes therefor are available. The quantities of Resins available for the production of articles in Classification II may be limited in amount, in which event such limited amount shall be equitably distributed.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of November 1941.

D. M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8569; Filed, November 17, 1941;  
9:59 a. m.]

**PART 990—CHLORINE IN PULP, PAPER AND PAPERBOARD**

*General Limitation Order L-11 to Restrict the Use of Chlorine in the Manufacture of Pulp, Paper and Paperboard*

Whereas the production of pulp, paper and paperboard consumes large quantities of chlorine; national defense requirements have created a shortage of chlorine; action has already been taken to conserve the supply and limit the use of chlorine in the production of pulp, paper and paperboard in order to insure its availability for essential defense and civilian requirements; increasing diversion of chlorine to defense uses requires further restrictions of its use in such production:

Now, therefore, it is hereby ordered, That:

**§ 990.1 General limitation order L-11—(a) Definitions.** For the purpose of this order:

(1) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of pulp, paper or paperboard.

(2) "Brightness" means the degree of brightness determined by the General Electric Brightness Tester.

(3) "Semi-bleached grade" means that grade of pulp which prior to June 16, 1941, had a brightness of less than 70.

(4) "Calendar quarterly period" means the quarterly period commencing on the first day of the second, fifth, eighth, and eleventh months of the calendar year and ending, respectively, on the last day of the fourth, seventh, tenth, and first months of the calendar year.

(b) *General restrictions relating to pulp, paper and paperboard.* (1) No Producer subject to this order shall, after the effective dates of the applicable provisions hereof, use chlorine in a quantity in excess of that specifically authorized herein or increase the brightness of pulp, paper or paperboard in excess of the degrees of brightness established herein.

(2) No Producer shall increase the brightness of any pulp, paper or paper-board to a degree greater than the brightness of like pulp, paper or paper-board produced by him on June 11, 1941.

(c) Specific restrictions relating to pulps, effective November 1, 1941. The following restrictions in the use of chlorine shall become effective November 1, 1941:

(1) No Producer in any calendar quarterly period shall use more chlorine in the bleaching of rag stock than 80% of his use of chlorine for similar purposes during the three-month period ending July 31, 1941.

(2) Except as provided in (c) (4) and (c) (6) hereof, the brightness of the following pulps shall not exceed 74:

- (i) Bleached Sulphite.
- (ii) Bleached Sulphate.

(3) Except as provided in (c) (4) and (c) (6) hereof, the brightness of the following pulps shall not exceed 70:

(i) Soda Pulp.

(ii) Waste Paper when used for conversion into bleached papers.

(4) The brightness ceilings established in (c) (2) and (c) (3) hereof may be exceeded to the extent that the Office of Production Management may permit upon application accompanied by satisfactory proof that the applicant's process of achieving a higher brightness will further the program for the conservation of chlorine embodied in this Order. Such applications should be addressed to the Office of Production Management, and marked Ref: L-11.

(5) No producer in any calendar quarterly period shall use more chlorine in the production of semi-bleached grades than 70% of his use of chlorine for similar production during the three-month period ending July 31, 1941.

(6) Notwithstanding the limitations set forth in (c) (2) and (c) (3), any producer in any calendar quarterly period may use, per ton of pulp produced for the following purposes requiring the use of chlorine as a processing, rather than as a bleaching agent, an amount of chlorine necessary for such processing: *Provided*, That in no case shall he use more chlorine per ton of pulp pro-

duced than he used for similar purposes during the three-month period ending July 31, 1941:

(i) In the processing into paper stock of rope, jute, hemp, flax, Sunn fiber, Benares fiber or like fibers;

(ii) In the processing of pulp for use in the manufacture of sanitary pads, hospital wadding, or wadding for use in the filtering of dissolving and nitrating pulps.

(7) Except for (i), (j), (k), (l), (m), and (n) hereof, this Order shall not apply to the following pulps:

(i) High Alpha Pulps (not less than 90% Alpha Cellulose content).

## (ii) Dissolving Pulps.

### (iii) Nitrating Pulps.

(iv) Pulps used in the manufacture of photographic base papers.

(d) Specific restrictions relating to paper and paperboard, effective November 10, 1941. (1) Except as provided in (d) (2) hereof, after November 10, 1941 the brightness of the following grades of paper and paperboard shall not exceed the brightness ceilings specified below:

| Division of industry             | Grades  | Brightness ceilings                          |
|----------------------------------|---|--|
| Writing.....                     | Rag Content Papers:<br>100% Grade.....<br>75% Grade.....<br>50% Grade.....<br>25% Grade.....  | 82<br>80<br>77<br>75                         |
|                                  | Sulphite Papers, Writing<br>Ledger, Bond, and Mime-<br>ograph:<br>No. 1 Grade.....<br>No. 2 Grade.....<br>No. 3 and 4 Grades.....   | 74<br>73<br>70                               |
| Specialty Paper &<br>Paperboard. | File Folder Stock.....<br>White Tag Stock.....<br>All other Tagboard.....<br>Lined and solid unbleached<br>paperboard.<br>Bogus Bristol.....<br>Mill Blanks.....<br>Lined and solid bleached<br>paperboard.<br>White patent coated paper-<br>board. | 62<br>68<br>62<br>62<br>68<br>68<br>70<br>70 |

(2) The brightness ceilings established in (d) (1) hereof, may be exceeded to the extent that the Office of Production Management may permit upon application accompanied by satisfactory proof that the applicant's process of achieving a higher brightness will further the program for the conservation of chlorine embodied in this Order. Such application should be addressed to the Office of Production Management and marked Ref: L-11.

(e) *Elimination of certain pulps from specified grades of paper and paperboard, effective November 10, 1941.* (1) After November 10, 1941, all pulp bleached with chlorine shall be eliminated from the following grades of paper and paperboard:

| Division of industry             | Grades   | Brightness ceilings |
|----------------------------------|--|---------------------|
| Blotting.....                    | All grades.....  | 70                  |
| Book.....                        | A & B grades, including M. F., Super and Antique Book Publication Grades Rotogravure.              | 72                  |
|                                  | M. F. and Super Litho and Label.   |                     |
|                                  | Machine-coated grades.....   |                     |
|                                  | Offset.....  | 70                  |
|                                  | Envelope.....  |                     |
|                                  | C, D, & E grade book, including M. F., Super, and Antique.   |                     |
|                                  | Tablet.....  |                     |
|                                  | Drawing.....   |                     |
|                                  | Poster.....  |                     |
|                                  | Hanging.....   |                     |
|                                  | End Leaf.....  | 68                  |
|                                  | Band Stock.....  |                     |
|                                  | Lining.....  |                     |
|                                  | Gumming.....   |                     |
|                                  | Carbonizing.....   |                     |
|                                  | Body Stocks for all coated, other than machine-coated.   |                     |
| Bristol and index.....           | No. 1 Grades.....  | 74                  |
|                                  | No. 2 Grades.....  | 71                  |
|                                  | No. 3 Grades.....  | 68                  |
| Cardboard.....                   | All grades uncoated and coating base stock.  | 68                  |
| Groundwood.....                  | All grades.....  | 67                  |
| Kraft.....                       | Brown Envelope.....  | 40                  |
| Sulphite and Bleached Kraft..... | Bleached Group including M. F. and M. G. Waxing, Drug Wrapping and Fully Bleached Bag.             | 67                  |
|                                  | M. F. and M. G. Opaque Waxing either beater filled or coated.                                      | 70                  |
|                                  | Unbleached Group including Butchers Manilla, Steam Finish and Dry Finish Grocers, Screenings, etc. | 60                  |
|                                  | Bag papers, Imitation Parchment and All Other. Envelope Manilla and Wrapping Manilla.              | 60                  |
| Tissue.....                      | M. G. Wrapping.....  | 60                  |
|                                  | Toilet and Towel.....  | 67                  |
|                                  | Facial Cleaning.....   | 68                  |
|                                  | Wrapping Tissue No. 1 Grade.....   | 70                  |
|                                  | Waxing Tissue.....   | 67                  |
|                                  | Napkin Stock.....  | 70                  |
|                                  | Carpet Twisting.....   | 62                  |
|                                  | Creping Tissue.....  | 70                  |
|                                  | Kraft and Sulphite Fruit and Vegetable Wrapping.....   | 60                  |

(f) *Exception as to stocks on hand and in transit.* No provision of this Order shall be construed to apply to pulp, paper or paperboard produced prior to the respective applicable dates contained herein.

(g) *Exception as to use of chlorine to destroy bacteria.* No provision of this Order shall be construed to restrict the use of chlorine for reduction of bacterial

## FEDERAL REGISTER, Tuesday, November 18, 1941

count, for slime control or for sanitary purposes, below the minimum amounts necessary for such uses.

(h) *Ownership by producers of captive supply of chlorine.* Producers who also manufacture their own supply of chlorine shall observe the provisions of this Order in all respects.

(i) *Records.* (1) Each producer of any pulp referred to in (c) hereof shall keep and preserve for not less than two years, accurate and complete records, on a calendar month basis of:

(i) Total incoming deliveries of chlorine;

(ii) Total production of chlorine (if any);

(iii) Total chlorine consumption;

(iv) Production of each type and brightness of pulp referred to in (c) hereof, and the quantities of chlorine used in the production of each such type and brightness;

(v) The quantities of chlorine consumed for each of the purposes referred to in (g) hereof;

(vi) The quantity of chlorine on hand at the end of each month.

(2) Each producer of paper or paperboard shall keep and preserve for not less than two years, accurate and complete records, on a calendar month basis, of the quantity of each type of pulp, and the brightness thereof, used in his production of each of the kinds, grades and brightnesses of paper and paperboard listed in (d) and (e) hereof, and the quantity produced of each such kind, grade and brightness of paper and paperboard.

(j) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(k) *Audit and inspection.* All records required to be kept by this Order shall upon request be submitted to audit and inspection by a duly authorized representative of the Office of Production Management.

(l) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Office of Production Management, or otherwise wilfully furnishes false information to the Office of

Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(m) *Superseding earlier order.* This order shall supersede as of its date of issuance all directions respecting the use of chlorine by producers of pulp, paper and paperboard contained in directives issued on June 11 and September 8, 1941.

(n) *Effective date.* This order shall take effect upon its date of issuance except that sections (c), (d), and (e) hereof shall not become effective until the respective dates specified in these sections. (P.D. Reg. L, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1598, as amended Sept. 12, 1941, 6 F.R. 486; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public, No. 89, 77th Congress, First Session; Sec. 7, Public, No. 783, 76th Congress, Third Session.)

Issued this 15th day of November 1941.

D. M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-8563; Filed, November 15, 1941;  
10:18 a. m.]

#### PART 1016—SHEET STEEL

##### *General Preference Order M-45 To Reserve an Inventory of Sheet Steel for Steel Drums*

Whereas it is found that demands for steel drums for the shipment of gasoline, oil, and other petroleum products overseas, are recurring creating temporary and local shortages of such drums and of the sheet steel necessary for the manufacture of such drums; and

Whereas it is further found that the best interests of the national defense require the reservation of a stock of sheet steel to be immediately available for the manufacture of steel drums required for such shipment;

*Now, therefore, it is hereby ordered:*

§ 1016.1 *General preference order M-45—(a) Definitions.* For the purposes of this Order:

(1) "Steel Drums" means drums made of 16 or 18 gauge hot rolled sheet steel.

(2) "Producer" means any fabricator of Steel Drums.

(b) *Reservation of sheet steel for specific allocation.* The Director of Priorities will, from time to time, by specific order to each Producer, direct the reservation of a designated quantity of 16 and 18 gauge hot rolled sheet steel in the Producer's possession or ownership. In addition, all sheet steel acquired by application of a preference rating pursuant to Preference Rating Order No. P-76 shall be likewise reserved. Thereafter the Director will, from time to time, specifically authorize the sale, delivery, or processing of quantities of sheet steel so reserved. Except pursuant to such an authorization, no Producer shall sell, deliver or process any such reserved sheet steel.

(c) *Records.* Each Producer shall keep and preserve for a period of not less than two years accurate and complete records concerning inventories and stocks on hand of, and deliveries to such Producer, and by such Producer, of 16 and 18 gauge hot rolled sheet steel and steel drums.

(d) *False statements and penalties.* Any person who wilfully violates any of the terms and provisions of this Order, or wilfully falsifies records required to be kept or information to be furnished pursuant to this Order, or who obtains a delivery of material by means of a material and willful misstatement may be prohibited from obtaining further deliveries of material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(e) *Effective date.* This Order shall take effect immediately, and unless sooner revoked, shall expire on the 30th day of May, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; P.D. Reg. 2, Sept. 9, 1941, 6 F.R. 4684; O.P.M. Reg. 3 Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 17th day of November 1941.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 41-8570; Filed, November 17, 1941;  
9:59 a. m.]

## CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

## PART 1338—SILK AND SILK PRODUCTS

## MAXIMUM PRICES FOR RAW SILK AND SILK WASTE

## Correction

Table I in § 1338.8, appearing on page 4974 of the issue for October 1, 1941, is corrected to read as follows:

TABLE I  
[Prices per pound, ex seller's warehouse]

| Type   | Grade .....                        | E      | D      | C      | B      | A      | AA     | AAA    | Special AAA | Special AAA | Special AAA | Special AAA |
|--|------------------------------------|--------|--------|--------|--------|--------|--------|--------|-------------|-------------|-------------|-------------|
|  | Percentage evenness .....          | 73     | 78     | 81     | 83     | 85     | 87     | 90     | 92          | 93          | 94          | 95          |
| DENIER   |                                    |        |        |        |        |        |        |        |             |             |             |             |
| Japan, White, Ivory, and Cream. <sup>1</sup>                       | 9-11.....                          | \$4.31 | \$4.33 | \$4.35 | \$4.37 | \$4.40 | \$4.43 | \$4.49 | \$4.58      | \$4.68      | \$4.78      | \$4.88      |
|  | 10-12.....                         | 4.21   | 4.23   | 4.25   | 4.27   | 4.30   | 4.33   | 4.39   | 4.48        | 4.58        | 4.68        | 4.78        |
|  | 11-13.....                         | 4.06   | 4.08   | 4.10   | 4.12   | 4.15   | 4.18   | 4.24   | 4.33        | 4.43        | 4.53        | 4.63        |
|  | 12-14.....                         | 3.11   | 3.13   | 3.15   | 3.17   | 3.20   | 3.23   | 3.29   | 3.38        | 3.48        | 3.58        | 3.68        |
|  | 13-15 and 14-16.....               | 3.06   | 3.08   | 3.10   | 3.12   | 3.15   | 3.18   | 3.24   | 3.33        | 3.43        | 3.53        | 3.63        |
|  | 15-17 to 18-20 inc.....            | 3.04   | 3.06   | 3.08   | 3.10   | 3.13   | 3.16   | 3.22   | 3.31        | 3.41        | 3.51        | 3.61        |
|  | 20-22 to 30-32 inc.....            | 3.00   | 3.02   | 3.04   | 3.07   | 3.10   | 3.15   | 3.20   | 3.29        | 3.39        | 3.49        | 3.59        |
|  | 40-44, 41-43 and 42-44.....        | 3.00   | 3.02   | 3.04   | 3.07   | 3.10   | 3.30   | 3.35   | 3.44        | 3.54        | 3.64        | 3.74        |
|  | 60-66, 60-80, 62-64 and 83-85..... | 3.00   | 3.02   | 3.04   | 3.07   | 3.10   | 3.15   | 3.20   | 3.29        | 3.39        | 3.49        | 3.59        |
| Japan, Yellow, <sup>1</sup> And Italian, Yellow and Persian White. | 20-22 to 30-32, inc.....           | 2.95   | 2.97   | 2.99   | 3.02   | 3.05   | 3.10   | 3.15   | 3.24        | 3.34        | 3.44        | 3.54        |
|  | 40-44.....                         | 2.95   | 2.97   | 2.99   | 3.02   | 3.05   | 3.25   | 3.30   | 3.39        | 3.49        | 3.59        | 3.69        |

<sup>1</sup> Any Japan silk of undesignated grade (i. e., percentage evenness), shall sell at a price not exceeding 10 cents per pound below the Grade E, 73 percent evenness, price for its denier.

PART 1346—BUILDING MATERIALS  
PRICE SCHEDULE NO. 40—BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

## Correction

The paragraphs concerned with "Locks" which appear in § 1346.9, Appendix A; products subject to the schedule, which appear on page 5767 of the issue for Friday, November 14, 1941, should read as follows:

**Locks.** Upright rim knob locks, padlocks, rim knob locks, draw-back knob locks, horizontal rim knob locks, rim knob latches, cylinder rim night latches, cylinder rim dead locks, bathroom locks, sliding door locks, communication door locks, school house locks, asylum latches, french door latches, cylinder apartment locks, cylinder hotel locks, cylinder sliding door locks, cylinder mortise locks, hotel locks, key blanks:

For: outside doors, inside doors, hospital doors, screen doors, french doors, bathroom doors, lavatory doors, garage doors, sliding doors.

TITLE 41—PUBLIC CONTRACTS  
CHAPTER II—DIVISION OF PUBLIC CONTRACTS  
PART 202—MINIMUM WAGE DETERMINATIONS

## IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE LEATHER MANUFACTURING INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the

making of contracts by the United States, and for other purposes", (hereinafter called the Act).

On April 29, 1941 notice issued (6 F.R. 2294) advising all interested parties that hearing would be held on May 12, 1941 to give them an opportunity to show cause why the Secretary of Labor should not determine the prevailing minimum wage for the tanning, currying, and finishing of leather (including rawhide) from any type of hide or skin, to be 50 cents an hour for all the states of the United States with the exception of West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas, as to which states the proposed minimum was 40 cents an hour; and why the Secretary of Labor should not determine the minimum wage for the manufacture of belting and power transmission belting, when made wholly or principally of leather, to be 40 cents an hour regardless of where manufactured.

On May 12, 1941 a hearing was held in Room 3135, Department of Labor Building, Washington, D. C. Appearances were made and testimony was given at the hearing by individual members of the industry and by the Tanner's Council of America. Labor was represented by the International Fur and Leather Workers Union, the United Leather Workers International Union, and the American Federation of Labor.

A survey of the earnings and hours in the leather and leather belting and packing industries, made by the Bureau of Labor Statistics and published in Bulletin No. 679, covering the payroll periods between September 10 and October 1, 1939, was introduced in evidence

at the hearing. In addition to the Bureau of Labor Statistics survey there were presented the wage data of 8 Delaware plants covering 2,374 wage earners and 2 Maryland plants covering 396 wage earners for the week ending April 19, 1941. On the representation made at the hearing that there had been considerable wage changes since the Bureau of Labor Statistics survey the Tanner's Council of America agreed to solicit from all known members of the industry new information as to the wage structure, the individual schedules thus obtained to be tabulated by the Public Contracts Division and made a part of the record. The data as submitted were for a week in May 1941 and covered 237 plants in 25 states employing a total of 35,785 employees in the leather manufacturing industry and 95 plants with 2,017 employees in 23 states in the manufacture of leather belting and welting. Thus, the survey in evidence covers about 75 percent of the number of employees reported for the industry by the 1939 Census of Manufactures. Furthermore, it covers all known producing states except two. The evidence indicates that each of these states has only one plant. A check against the Census of Manufactures of 1939 indicates that the survey as made is fully representative of the various size plants in the industry. I find, therefore, that the data collected through the Tanner's Council of America and supplemented by wage data submitted at the hearing constitute a fair sample of the wage structure as it exists in the industry.

By order effective September 16, 1940 the Wage and Hour Division of the Department ordered that the minimum wage rate under the Fair Labor Standards Act for the leather industry, which is defined as in this determination, shall be 40 cents an hour. The evidence amply proves that the leather industry is engaged in interstate commerce and it is to be presumed that at least 40 cents is the prevailing wage paid in all states for the manufacture of leather and leather belting and welting.

The evidence shows that in all states except West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas the prevailing minimum wage for the manufacture of leather is higher than 40 cents. The variations in plant minima exist within limited geographic pattern. There is in fact a considerable variance in minimum wages even within the confines of limited political subdivisions. In the states other than those enumerated above, 30 percent of all employees covered in the survey are engaged in plants having no employees at wages below 50 cents an hour and 50 percent of all employees are engaged in plants having either no employees, or only a scattering of employees, below that rate. Furthermore, of the 216 plants covered

in these states, 75 have no workers below 50 cents, and 105 have either no employees, or only a scattering of employees, below that figure. These facts are fairly indicative of the fact that 50 cents prevails as a minimum wage throughout all the states of the United States except those mentioned above.

The American Belting Association has protested against the determination of a minimum wage for belting because it was no more properly included in the leather determination than shoes, belts, or other products made primarily of leather. Inasmuch, however, as the minimum wage of 40 cents is required under the Fair Labor Standards Act of 1938 there would be no reason why the minimum should not be established.

The Tanner's Council objected, stating that there was no need for the establishment of a minimum because not more than one percent of the products are sold to the government, because segregation of government from commercial work is not possible, and because some of the plants in the North are paying less than the proposed 50 cents an hour. The necessity for the establishment of a minimum becomes apparent when within a limited locality there appears a divergency of wages.

I hereby determine:

**§ 202.42 Leather manufacturing industry.** That the Leather Manufacturing Industry, as that term is used in this decision, shall be understood to be that industry which (a) tans, curries, and finishes leather (including rawhide) from any type of hide or skin, and (b) manufactures belting and power transmission belting when made wholly or principally of leather.

That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the tanning, currying, and finishing of leather (including rawhide) from any type of hide or skin shall be:

50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece rate basis, for the states of Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Pennsylvania, Delaware, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, and the District of Columbia;

40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece rate basis, for the states of West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida,

Arkansas, Louisiana, Oklahoma, and Texas.

That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of belting and power transmission belting when made wholly or principally of leather, regardless of where manufactured, shall be:

40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law or agreement more favorable to employees than the requirements of this determination.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936 bids for which are solicited or negotiations otherwise commenced on or after December 17, 1941.

Dated: November 17, 1941.

[SEAL] FRANCES PERKINS,  
Secretary.

[F. R. Doc. 41-8580; Filed, November 17, 1941;  
11:28 a. m.]

#### PART 202—MINIMUM WAGE DETERMINATIONS

##### IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE TEXTILE INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

On August 16, 1941, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause why I should not determine the prevailing minimum wage for persons employed in the Textile Industry to be 37.5 cents per hour or \$15.00 per week of forty hours, the determination to be effective and the minimum wage thereby established to apply to all contracts of the United States awarded subject to the provisions of the Walsh-Healey Public Contracts Act, contemplating any of the textile manufacturing, processing and finishing operations more fully described in the notice.

The action proposed by the notice was predicated upon evidence before the Department of Labor that substantially all members of the Textile Industry are engaged in commerce or in the produc-

tion of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that in consequence thereof, the Wage Order of the Administrator of the Wage and Hour Division, issued pursuant to the provisions of the Fair Labor Standards Act and effective June 30, 1941, establishing 37.5 cents per hour as the minimum wage under that Act in the Textile Industry (6 F.R. 2885) had had the effect of establishing 37.5 cents per hour as the prevailing minimum wage in that industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to trade unions, trade publications, and trade associations. Notice was also given to interested parties through the national press and by publication in the FEDERAL REGISTER (6 F.R. 4169).

A memorandum in opposition to the proposed determination was filed by the Cotton Textile Institute, Inc. No other objections or protests in response to the notice were received.

The several points of objection enumerated in the memorandum of the Cotton Textile Institute are directed to the Institute's apprehension that the wage determination as proposed in the notice made no specific provision for the allowance of the deductions made by employers in the industry from the wages of their employees and for the employment of apprentices, learners, and handicapped workers. In substance, the Institute desires that provision be made under the Walsh-Healey Public Contracts Act for the same privileges extended to employers in the industry under the requirements of the Fair Labor Standards Act with respect to deductions and the employment of learners and handicapped workers. I have concluded that the desire of the Institute in this respect is a reasonable one, and it is my purpose in this determination to coordinate the minimum wage requirements under both Acts as presently effective and to take such action in the future as may be necessary to preserve this uniformity.

Upon consideration of all the facts and circumstances,

I hereby determine that:

**§ 202.43 Textile industry.** The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), contemplating any of the following described manufacturing, processing, and finishing operations, shall be 37.5 cents an hour or \$15.00 per week of forty hours, arrived at either upon a time or piece work basis:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than

carpets and rugs) from cotton, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of the fibers with wool or animal fiber (other than silk) as are specified in paragraphs (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in paragraph (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bed-spreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, lunch-cloths and napkins; towels; and window curtains;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in paragraph (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

*Provided*, That learners, handicapped workers, and apprentices may be employed and deductions from the wages of employees may be made in accordance with the present regulations under the Fair Labor Standards Act, which I hereby adopt for the purposes of this wage determination.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after December 17, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement,

more favorable to employees than the requirements of this determination.

Dated: November 17, 1941.

[SEAL]

FRANCES PERKINS,  
Secretary.

[F. R. Doc. 41-8579; Filed, November 17, 1941;  
11:28 a. m.]

0515-12 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8556; Filed, November 15, 1941;  
9:26 a. m.]

## Notices

### WAR DEPARTMENT.

[Contract No. W 431 qm-5594; O. I. 1574]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WM. E. HOOVER & SONS COMPANY; BALTIMORE, MARYLAND

Contract for: Furnishing and delivering all labor and material required in the dyeing and finishing of Duck, Grey, according to Schedule of Supplies.

Amount, \$1,114,769.34.

Place: Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.

This contract, entered into this 25th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver all labor and material required in the dyeing and finishing of Duck, Grey, for the Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, in accordance with Schedule of Supplies attached hereto and made a part hereof, for the consideration stated One million one hundred fourteen thousand seven hundred sixty-nine dollars (\$1,114,769.34) and thirty-four cents, in strict accordance with the specifications and schedules, all of which are made a part hereof.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority C & E A 1941 42 QM 15401 P 14-30 A

[Contract No. W-1097-eng-4]

### SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: FREDERICK SNARE CORPORATION; 114 LIBERTY STREET; NEW YORK, N. Y.

Contract for: The construction of a pier and approach trestle and roadways, railroad tracks, grading, drainage and fences, complete.

Amount: \$2,077,623.69 more or less.

Place: Jersey City Terminal in Upper Bay, New York Harbor.

This contract, entered into this 4th day of October 1941.

ARTICLE 1. *Statement of work.* The contractor shall furnish the materials and perform the work for the construction of a pier and approach trestle, roadways, railroad tracks, grading, drainage and fences, complete, at the Jersey City Terminal, Jersey City, N. J., for the consideration stated \$2,077,623.69 more or less, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 3. *Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

ART. 9. *Delays—Damages.* If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

ART. 16. *Payments to contractors.* Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter

as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

FRANK W. BULLOCK,  
Lt. Col., Signals Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8557; Filed, November 15, 1941;  
9:26 a. m.]

[Contract No. W 849-ORD-2329]

#### SUMMARY OF CONTRACT FOR SUPPLIES

**CONTRACTOR:** NATIONAL ENAMELING AND STAMPING COMPANY; GRANITE CITY, ILLINOIS

Contract for: Case, Cartridge, \* \* \*. Amount: \$1,294,650.00.

Place: St. Louis Ordnance District, St. Louis, Missouri.

The Cartridge Cases to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 22,099 P11-02 A(1005).105-02, the available balance of which is sufficient to cover cost of same.

This contract,<sup>1</sup> entered into this Eighth day of September 1941.

**ARTICLE 1. Scope of this contract.** The contractor shall furnish and deliver \* \* \* Case, Cartridge \* \* \* for the consideration stated one million, two hundred ninety-four thousand, six hundred fifty dollars (\$1,294,650.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**ART. 2. Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**ART. 5. Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**ART. 8. Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles

delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government, when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**ART. 16. Quantities.** The Government reserves the right to increase the quantity on this contract by as much as \* \* \* per cent and at the unit price specified in Article 1, such option to be exercised within \* \* days from date of this contract.

**ART. 20. Termination when contractor not in default.** This contract is subject to termination by the Government at any time as its interests may require.

**ART. 26. Price adjustments.** The contract price stated in Article 1 is subject to adjustment for changes in labor and materials costs.

This contract entered into under authority of the Act of Congress approved July 2, 1940 (Public, 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941 (Public, 139—77th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8558; Filed, November 15, 1941;  
9:27 a. m.]

[Contract No. W 535 ac-156]

#### SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

**CONTRACTOR:** BELL AIRCRAFT CORPORATION

Contract for: \* \* \* Airplanes and Spare Parts therefor.

Estimated Cost: \$14,985,926.00.

Fixed-Fee: \$899,155.56.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same: AC 299 P 112-30 A 0021-13.

This contract,<sup>1</sup> entered into this 10th day of September 1941.

**ARTICLE 1. Statement of work.** The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles: \* \* \* Airplanes, \* \* \* Spare Parts.

#### ART. 2. Estimated costs.

| Quantity                              | Estimated cost  |
|---------------------------------------|-----------------|
| * * * Airplanes                       | \$12,488,272.00 |
| * * * Spare parts for above airplanes | 2,497,654.00    |
| Total estimated cost                  | 14,985,926.00   |

**ART. 3. Consideration.** The Government will pay the contractor upon satisfactory delivery of all items specified in the contract, subject to reimbursement

for costs as outlined in Article 6 hereof, the cost, plus a fixed fee of eight hundred ninety-nine thousand one hundred fifty-five and fifty-six hundredths dollars (\$899,155.56).

**ART. 5. Changes.** The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

**ART. 6. Payments—Reimbursement for cost.** The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

**Payment of the fixed fee.** Ninety per cent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

**Advances.** Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of national defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty per centum (30%) of the contract price of the articles called for that such advances, as made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

**ART. 9. Termination of contract by Government.** Should the Contractor at any time, refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

**ART. 21. Title to property where partial payments are made.** The title to all property upon which any partial payments is made prior to the completion of this contract, shall vest in the Government.

**ART. 23. Fire insurance.** The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, until the

<sup>1</sup> Approved by the Chief of Ordnance October 6, 1941.

<sup>1</sup> Approved by the Under Secretary of War, September 17, 1941.

same is delivered to the Government. Such property is to be considered as delivered to the Government, upon its final acceptance.

This contract authorized under the provisions of Act of June 28, 1940, section 1 (a) Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lt. Col. Signal Corps,  
Assistant to the Director of  
Purchases and Contract.

[F. R. Doc. 41-8559; Filed, November 15, 1941;  
9:27 a. m.]

[Contract No. W 398 qm-10250; O. I. No. 4473]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH MANUFACTURING COMPANY (GENERAL MOTORS TRUCK & COACH DIVISION), PONTIAC, MICHIGAN

Contract for: \* \* \* Trucks \* \* \*. Amount: \$41,672,451.20.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 4th day of June 1941.

ARTICLE 1. Scope of this contract. The contractor shall furnish and deliver \* \* \* Trucks for the consideration stated \$41,672,451.20 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. Delays—Damages. If the contractor refuses or fails to make deliveries of acceptable articles within the times specified in Article 1, or any extension or extensions thereof, the Government may, by written notice, terminate the right of the contractor to proceed with the delivery of all or any portion of the undelivered articles covered by this contract.

ART. 8. Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 15. Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of

the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Variations. Quantities listed hereon are subject to increase of not to exceed \* \* \* %. This option to remain in effect for \* \* \* days, or until \* \* \*.

Terms of payment. Discount will be allowed for prompt payment as follows: 20 calendar days \* \* \* dollars per truck.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM-1801-P-37-3053 A 0525.003-01, QM-15915 P37-3053 A 0525.003-12 the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1a, Act July 2, 1940 (Public No. 703).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8560; Filed, November 15, 1941;  
9:27 a. m.]

[Contract No. W-271-ORD-577]

#### SUMMARY OF COST-PLUS-A-FIXED-FEE OPERATION CONTRACT

CONTRACTOR: REVERE COPPER AND BRASS INCORPORATED

Contract for: Operation (including training of operating personnel) of a Plant for the manufacture of Caliber \* \* \* and Caliber \* \* \* small arms ammunition brass cups (hereinafter referred to as "cups").

Place: Chicago, Illinois.

Estimated cost of operation of plant: \$10,733,601.99.

Fixed-fee for operation of plant: \$300,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same.

ORD 7727 P11-0270A (1005).105-01  
ORD 9508 P11-02A (1005).105-01

This contract,<sup>1</sup> entered into this 12th day of August 1941.

TITLE I. Operation of plant—ARTICLE 1-A. Statement of work. 1. The Contractor shall perform all organization service in connection with the planning of and the making of all necessary preparations for the operation of the Plant, including the training of operating personnel in the Plant, and all other services incident to assuring an efficient and

going operating force when any unit of the Plant is ready for operation.

2. As each operating unit of the Plant is completed and is ready for operation, the Contractor shall proceed to operate it for the manufacture of cups. When all operating units of said Plant shall have been completed and ready for operation the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant so as to reach as promptly as possible a production of approximately \* \* \* lbs. of cups per month (such amount being the estimated productive capacity of said Plant).

ART. I-B. Estimates. It is estimated that the total cost of the Contractor's performance under Section 3 of Article I-A of this Title I of this contract will be approximately ten million, seven hundred and thirty-three thousand, six hundred and one dollars and ninety-nine cents (\$10,733,601.99), exclusive of the Contractor's fee.

ART. I-C. Consideration. In consideration of its undertaking under this Title I the Contractor shall receive the following, which shall constitute complete compensation for the Contractor's services under this Title I, including profit other than that included in the prices quoted pursuant to the provisions of section 5 of Article I-A thereof:

1. Reimbursement for expenditures as provided in Title II.

2. Fixed-fees for operation of the Plant at the rate of \* \* \* per pound of cups: *Provided, however,* That the Contractor shall not be entitled to receive for work done under Title I hereof in connection with the performance of this contract total fees in excess of three hundred thousand dollars (\$300,000.00).

TITLE II. Cost of the work and payment therefor—ART. II-B. Payments—1. Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with Article II-A of this Title II, upon certification and delivery to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials, or other papers satisfactory to the Contracting Officer. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant. All payments made under this section 1 shall be subject to the provisions of Article II-C.

2. Payment of the fixed-fees. The fixed-fees provided for in Article I-C shall be paid monthly as they accrue, dependent upon the types and quantities of cups produced, inspected and accepted for delivery, subject to the limitation contained in Section 2 of Article I-C.

4. Final payment. Upon completion of the work, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title II hereof, and of the fees.

<sup>1</sup> Approved by the Under Secretary of War October 6, 1941.

**ART. II-C. Advances.** At any time and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor, without payment of interest thereon by the Contractor, a sum not in excess of thirty percent (30%) of the estimated cost of the work under this contract (as increased or decreased pursuant to the provisions of Article III-O of Title III or as increased pursuant to the provisions of Article I-A of Title I).

**TITLE III. General provisions—ART. III-A. Termination of contract by Government.** Should the Contractor at any time refuse, neglect or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by reasonable notice in writing from the Contracting Officer to the Contractor.

**ART. III-B. General.** The Government shall furnish the Contractor such available schedules of preliminary data, and other available information respecting the work to be done under this contract, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the office of the Quartermaster General or the Chief of Ordnance and which are applicable to the work to be done under this contract.

The title to all work under this contract, completed or in the course of construction or manufacture, and to all the cups manufactured or in the process of being manufactured, shall be in the Government. Likewise, upon delivery at the site of the work, or at an approved storage site, title to all purchased materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title II hereof, shall vest in the Government.

**ART. III-O. Changes.** The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work or direct the omission of work covered by the contract.

This contract is authorized by the following law: Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8571; Filed, November 17, 1941;  
10:34 a. m.]

[Contract No. W 294 ord-760]

#### SUMMARY OF CONTRACT FOR SUPPLIES

**CONTRACTOR:** INDIANAPOLIS DROP FORGING COMPANY, INDIANAPOLIS, INDIANA

Contract for: \* \* \* Armor Piercing Shot \* \* \*

Amount, \$1,800,500.00.

Place: Cincinnati Ordnance District, 1229 The Enquirer Bldg., Cincinnati, Ohio.

The material to be obtained by this instrument is authorized by, is for the purpose set forth in, and is chargeable to the Procurement Authority ORD 15-204 P11-02 A(1005).105-01, the available balance of which is sufficient to cover same.

This contract,<sup>1</sup> entered into this 17th day of July 1941.

**ARTICLE 1. Scope of this contract.** The contractor shall furnish and deliver \* \* \* Armor Piercing Shot for the consideration stated of one million, eight hundred thousand five hundred dollars (\$1,800,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**ART. 2. Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**ART. 5. Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**ART. 8. Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**ART. 17. Quantities.** The Government reserves the right to increase the quantity on this contract by as much as \* \* \* %, and at the unit price specified in Article 1, such option to be exercised within \* \* \* days from date of this contract.

**ART. 31. Price adjustments.** The contract prices stated in Article 1 are subject

to adjustments for changes in labor and materials costs.

**ART. 33. Renegotiation.** The parties hereto recognize that the unit price as specified in Article 1 is based on computations involving certain factors as to which the contractor does not now have accurate knowledge based on experience and that it is the desire of the contractor to reduce the price of the forgings if the specified unit price appears to be unduly high in the light of such experience. It is expressly agreed that the unit price will be re-established at the end of the month when the first \* \* \* % of the total number of units contracted for have been delivered, and again re-established at the end of the month when the first \* \* \* % of the total number of units have been delivered. At each time of repricing, the unit price then in effect will be subject to reduction but in no event shall the re-established unit price exceed the unit price stated in Article 1 of the contract.

**ART. 34. Termination for convenience of the Government.** Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8572; Filed, November 17, 1941;  
10:34 a. m.]

[Contract No. W-761-ORD-1951]

#### SUMMARY OF CONTRACT FOR SUPPLIES

**CONTRACTOR:** NATIONAL TUBE COMPANY, PITTSBURGH, PENNSYLVANIA

Contract for: \* \* \* Bomb.

Amount \$4,141,500.00.

Place: Pittsburgh Ordnance District, Pittsburgh, Pennsylvania.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost thereof.

Procurement Authority: ORD 22,044 P11-02 A (1005).205-02.

This contract,<sup>1</sup> entered into this 22d day of August 1941.

**ARTICLE 1. Scope of this contract.** The contractor shall furnish and de-

<sup>1</sup> Approved by the Chief of Ordnance October 29, 1941.

liver \* \* \* Bomb for the total consideration of four million, one hundred forty-one thousand, and five hundred (\$4,141,500.00) dollars in strict accordance with the specifications, schedules, drawings, and instructions listed herein.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 16. *Quantities.* The Government reserves the right to increase the quantity on this contract by as much as \* \* \* %, and at the unit price specified in Article 1, such option to be exercised within \* \* \* days from date of this contract.

ART. 33. *Termination for convenience of the Government.* Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

This contract is entered into under authority of the Act of Congress approved July 2, 1940 (Public No. 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941 (Public No. 139—77th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8573; Filed, November 17, 1941;  
10:34 a. m.]

[Contract No. W-398-qm-8; O. I. #8]  
SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION  
(CHEVROLET DIVISION), DETROIT, MICHIGAN

Contract for: trucks \* \* \*.  
Amount: \$5,072,935.12.

Place: Holabird Quartermaster Depot,  
Baltimore, Maryland.

This contract, entered into this 7th day of June 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver \* \* \* trucks for the consideration stated \$5,072,935.12 and in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on the partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Variations.* Quantities listed hereon are subject to increase of not to exceed \* \* \* %. This increase option to remain in effect until \* \* \*.

*Terms of payment.* Discount will be allowed for prompt payment as follows: 30 calendar days 5%.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22000 P 241-30 A 0022-13, QM 22000 P 241-07 A 0022-13, QM 22001 P 414-30 A 0024-13 the available balance

of which is sufficient to cover cost of same.

FRANK W. BULLOCK,  
Lt. Col. Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8574; Filed, November 17, 1941;  
10:34 a. m.]

## DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1783-FD]

IN THE MATTER OF HORNING-ROSS COAL COMPANY (WALTER F. HORNING) REGISTERED DISTRIBUTOR, REGISTRATION NO. 4507, RESPONDENT

### ORDER SUSPENDING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division, pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether Horning-Ross Coal Company (Walter F. Horning), a registered distributor (Registration No. 4507), 856 Insurance Building, Omaha, Nebraska, has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal and the Agreement by Registered Distributor, by purchasing and reselling coals below the effective minimum price therefor;

The respondent having filed an answer admitting the resale of coals below the effective minimum price therefor but averring its good faith and that restitution had been made;

A hearing having been held before a duly designated Examiner of the Division at a hearing room thereof in Omaha, Nebraska, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned.

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:<sup>1</sup>

Now, therefore, it is ordered, That the registration of the respondent, Horning-Ross Coal Company (Walter F. Horning), as a registered distributor, Registration No. 4507, be and it hereby is suspended

<sup>1</sup> Not filed with the original document.

for a period of thirty (30) days from the date of this Order.

*It is further ordered,* That the respondent shall not evade the effect of such suspension directly or indirectly by the use of any device such as a sales agency agreement or any other device and that such suspension shall not excuse the respondent from all duties and functions imposed upon it by the Act or the rules and regulations thereunder.

*It is further ordered,* That as a condition to reinstatement of such registration, in accordance with § 304.15 of the Distributors' Rules, the respondent shall submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of its suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration.

Dated: November 14, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8588; Filed, November 17, 1941;  
11:36 a. m.]

[Docket No. 1789-FD]

IN THE MATTER OF LUMBERMAN'S BRICK & SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 5757, RESPONDENT

ORDER SUSPENDING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing dated July 31, 1941, to determine whether Lumberman's Brick & Supply Company, a registered distributor (Registration No. 5757), 2061 Farnum Street, Omaha, Nebraska, has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, and the Agreement by Registered Distributor, by extending by agreement, express or implied, with the purchasers from it of certain coals of the dates of payment for such coals beyond the twentieth day of the month following the month in which shipments were made without charging said purchasers interest from and after the due dates of the accounts at the rate of not less than five per cent per annum;

The respondent having filed an answer admitting its failure to charge interest but averring its good faith and that payment of said interest had since been made;

A hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Omaha, Nebraska, at which all inter-

ested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having theretofore been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:<sup>1</sup>

*Now, therefore, it is ordered,* That the registration of the respondent, Lumberman's Brick & Supply Company, as a registered distributor, Registration No. 5757, be and it hereby is suspended for a period of thirty (30) days from the date of this Order.

*It is further ordered,* That the respondent shall not evade the effect of such suspension directly or indirectly by the use of any device such as a sales agency agreement or any other device and that such suspension shall not excuse the respondent from all duties and functions imposed upon it by the Act or the rules and regulations thereunder.

*It is further ordered,* That as a condition to reinstatement of such registration, in accordance with § 304.15 of the Distributors' Rules, the respondent shall submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of its suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration.

Dated: November 14, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8589; Filed, November 17, 1941;  
11:36 a. m.]

[Docket No. 1785-FD]

IN THE MATTER OF LOG CREEK COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

District Board 11 having filed a complaint with the Bituminous Coal Division on May 15, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by the Log Creek Coal Company, a code member in District 11, of the Bituminous Coal Code and rules and regulations thereunder as follows:

That the defendant sold lump coals produced by it at its mine (Mine Index No. 1009) located in Pike County, Indiana, at a price 95 cents lower than the effective minimum price thereof. At the hearing the complaint was amended without objection to allege similar violations between November 14, 1940, and

May 5, 1941, and to allege violations of Division Orders Nos. 295, 296, 297, and 307;

Pursuant to Orders of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 22, 1941, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Evansville, Indiana;

The preparation and filing of a report by the Examiner having been waived and the record of the proceeding theretofore having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith:<sup>1</sup>

*Now, therefore, it is ordered,* That the code membership of the defendant, operating the Log Creek Mine (Mine Index No. 1009), in Pike County, Indiana, in District 11, be and it hereby is revoked and cancelled.

*It is further ordered,* That prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of \$2,388.63 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 14, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8590; Filed, November 17, 1941;  
11:36 a. m.]

[Docket No. 1746-FD]

IN THE MATTER OF CITY COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on May 22, 1941, with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 6, alleging wilful violation of the Bituminous Coal Code and rules and regulations thereunder as follows:

That the defendant, during October 1940, sold 203.7 net tons of Size Group 3 nut coal produced at its Warwood Mine (Mine Index No. 21), located at Wheeling, West Virginia, in District 6, to the Wheeling Electric Company, Wheeling, West Virginia, at \$1.95 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was \$2.10 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 6 for All Shipments Except Truck;

Pursuant to an Order of the Acting Director and after due notice to all interested persons, a hearing in this matter having been held on August 20, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Pittsburgh, Pennsylvania, at which all interested persons were afforded an opportunity to be present, ad-

<sup>1</sup> Not filed with the original document.

duce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith:<sup>1</sup>

*Now, therefore, it is ordered.* That the code membership of the defendant, City Coal Company, be and it is hereby revoked and cancelled.

*It is further ordered.* That, prior to any reinstatement of the defendant, City Coal Company, to membership in the Code, the defendant shall pay to the United States a tax in the amount of \$166.83 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 14, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8591; Filed, November 17, 1941;  
11:36 a. m.]

[Docket No. 1738-FD]

IN THE MATTER OF CARTERVILLE COAL CO.,  
DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 10, complainant, alleging willful violation by Carterville Coal Co., the defendant, of the Bituminous Coal Code, or rules and regulations thereunder as follows:

That the defendant sold for shipments by truck during the period from October 5, 1940 to January 21, 1941, inclusive, 3" lump coal (Size Group 3) at \$2.00, and 2" x  $\frac{7}{16}$ " (Size Group 8 at \$1.65, per net ton f. o. b. the mine, when the effective minimum f. o. b. mine prices applicable thereto are, for 3" lump coal (Size Group 3), \$2.15, and for 2" x  $\frac{7}{16}$ " (Size Group 8), \$1.80, per net ton f. o. b. the mine;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on October 6, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner;

The record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;<sup>1</sup>

*It is ordered.* That the defendant, his officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist, and

they hereby are permanently enjoined and restrained from selling and offering to sell coal produced by the defendant at prices below the applicable minimum prices established therefor contrary to the Bituminous Coal Act or any rules and regulations promulgated thereunder; the Bituminous Coal Code; the Schedule of Effective Minimum Prices for District No. 19 for Truck Shipments, and Marketing Rules and Regulations.

*It is further ordered.* That if the defendant fails to comply with this Order the Division may forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such defendant carries on business or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof or reopen the proceeding as provided in section 5 (b) of the Act and take other appropriate action.

Dated: November 14, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8592; Filed, November 17, 1941;  
11:37 a. m.]

[Docket No. A-1089]

PETITION OF DISTRICT BOARD NO. 13 FOR  
THE ESTABLISHMENT OF PRICE CLASSIFI-  
CATIONS AND MINIMUM PRICES FOR THE  
COALS OF CERTAIN MINES IN DISTRICT  
NO. 13

[Docket No. A-1089, Part II]

PETITION OF DISTRICT BOARD NO. 13 FOR  
THE ESTABLISHMENT OF PRICE CLASSIFI-  
CATIONS AND MINIMUM PRICES FOR THE  
COALS OF MINE INDEX NOS. 1261 AND  
1293 IN DISTRICT NO. 13 FOR RAIL SHIP-  
MENT

MEMORANDUM OPINION AND ORDER SEVERING  
DOCKET NO. A-1089, PART II, FROM DOCKET  
NO. A-1089, GRANTING TEMPORARY RELIEF  
IN PART IN DOCKET NO. A-1089, PART II,  
AND NOTICE OF AND ORDER FOR HEARING  
IN DOCKET NO. A-1089, PART II

The original petition in the above-entitled matters filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 13.

As indicated in an order issued in Docket No. A-1089, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner, except for the coals of Mine Index Nos. 913 (because the records of the Division indicate that no code acceptance has been received for this mine), 1261, and 1293, (in part).

The original petition prays for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1261 and 1293 for rail shipment and in addition seeks the establishment of an additional loading point for the coals of Mine Index No. 1261. The Director is of the opinion that an additional rail loading point for the coals

of Mine Index No. 1261 should not be established without a hearing.

In the original petition the establishment for the coals of Mine Index Nos. 1261 and 1293 of an f. o. b. effective minimum price of \$2.65 in Size Group 13 for steamship vessel fuel is sought. There does not appear in the original petition sufficient justification for the establishment of this price for these coals for steamship vessel fuel use. The Director is of the opinion, therefore, that this price of \$2.65 should not be established for the coals of Mine Index Nos. 1261 and 1293 without a hearing.

*Now, therefore, it is ordered.* That the portion of Docket No. A-1089 relating to the coals of Mine Index Nos. 1261 and 1293, be, and the same hereby is severed from Docket No. A-1089 and designated as Docket No. A-1089, Part II.

*It is further ordered.* That, pending final disposition of Docket No. A-1089, Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 13 for All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Temporary Supplement R" annexed hereto and hereby made a part hereof.

*It is further ordered.* That a hearing in Docket No. A-1089, Part II, under the applicable provisions of said Act and the Rules of the Division be held on December 10, 1941, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered.* That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief

<sup>1</sup> Not filed with the original document.

in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 5, 1941.

The matter concerned herewith is in regard to the petition of District Board No. 13 for the establishment of permanent price classifications and minimum prices for the coals of Mine Index No. 1261 for rail shipment; and for the establishment of permanent price classifications and minimum prices for steam-

ship vessel fuel use for the coals of Mine Index Nos. 1261 and 1293.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 4, 1941.

[SEAL] H. A. GRAY,  
Director.

#### TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in this temporary supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

##### *Temporary Supplement R*

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

| Mine index No.      | Code member             | Mine      | Sub-district | Seam  | Freight origin group |
|---------------------|-------------------------|-----------|--------------|-------|----------------------|
| WALKER COUNTY, ALA. |                         |           |              |       |                      |
| 1261                | Pratt-American Coal Co. | Riverside | 1            | Pratt | 31                   |

<sup>1</sup> Shipping Point: Colta, Ala. Railroad: L&N.  
This mine shall have a price in size groups 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 14, 17 and 18, respectively, for mine with Index Number 55.

This mine shall have the same price in size group 24 on all price tables as listed for mine with Index Number 55.

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

| Mine index No.      | Code member             | Mine          | Sub-district | Seam  | Freight origin group |
|---------------------|-------------------------|---------------|--------------|-------|----------------------|
| WALKER COUNTY, ALA. |                         |               |              |       |                      |
| 1261                | Pratt-American Coal Co. | Riverside     | 1            | Pratt | 31                   |
| 1293                | Winn, D. F.             | Winn-Pratt #1 | 1            | Pratt | 120                  |

<sup>1</sup> These mines shall have a price of \$2.70 for size group 13 for Steamship Vessel Fuel.

[F. R. Doc. 41-8593; Filed, November 17, 1941; 11:37 a. m.]

[Docket No. A-826]

PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF THE QUALITY MINE (MINE INDEX NO. 1468) OF RAY MORGAN (F. C. MORGAN COAL CO.), A CODE MEMBER IN DISTRICT 10, FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed by District Board No. 10, proposing price classifications and minimum prices, for all shipments except truck, for the coals of the Quality Mine (Mine Index No. 1468) of Ray Morgan (F. C. Morgan Coal Co.). The petition states that minimum prices for truck shipments have heretofore been established for this mine. It appears from

the records of the Bituminous Coal Division that this is a new mine, for which no minimum prices have heretofore been established, and that the mine for which minimum prices for truck shipments have been established is the Quality Mine (Mine Index No. 576) of the Quality Coal Co. A hearing appears to be the most appropriate means of resolving this conflict between the statements in the petition and the facts shown by the records of the Division. Pending a hearing, the establishment of temporary minimum prices for all shipments except truck and for truck shipments is desirable in order that coals from this mine may be marketed.

*It is therefore ordered*, That a hearing in the above-entitled matter be held un-

der the applicable provisions of the Act and the rules of the Division on November 24, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 19, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of the following minimum prices for the coals of the Quality Mine (Mine Index No. 1468) of Ray Morgan (F. C. Morgan Coal Co.):

For all shipments except truck, the minimum prices applicable to coals in Price Group No. 33.

For railroad fuel, a minimum price of \$2.00 per net ton for mine run and \$1.40 per net ton for screenings.

For truck shipments:

| Size group: |     |     |     |     |     |     |     |     |     |     |     |     |     |    |
|-------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| 1           | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14  | 15 |
| 255         | 260 | 245 | 235 | 230 | 225 | 185 | 165 | 160 | 155 | 155 | 155 | 125 | 115 | 60 |

Notice is hereby given that at the hearing the relation between the Quality Mine (Mine Index No. 1468) of Ray Morgan (F. C. Morgan Coal Co.) and the Quality Mine (Mine Index No. 581) of the Quality Coal Co. will be a subject of inquiry.

*It is further ordered*, That a reasonable showing of necessity therefor having been made, pending final disposition of the above matter, temporary relief be granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck and for Truck Shipments are re-

vised to include the price classifications and minimum prices set forth in the schedules marked supplement "R" and supplement "T" attached hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act.

Dated: October 30, 1941.  
[SEAL] H. A. GRAY,  
Director.

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10  
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## Supplement R

| Price group No. | Code member                         | Mine         | Mine index No. | Freight origin group | Shipping point    | Railroad |
|-----------------|-------------------------------------|--------------|----------------|----------------------|-------------------|----------|
| 33              | Morgan, Ray (F. C. Morgan Coal Co.) | Quality..... | 1468           | 11                   | Green River, .... | CRI&P    |

<sup>1</sup> Mine index No. 1468 shall be included in Price group 33 and shall take the same f. o. b. mine prices as other mines in Price Group 33, Schedule No. 1, District No. 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Green River, Illinois. The railroad locomotive fuel prices shall be: Mine Run-\$2.00; screenings-\$1.40.

## FOR TRUCK SHIPMENTS

## Supplement T

[Prices in cents per net ton for shipments into all market areas]

| Code member index                   | Mine index No. | Mine         | Seam | Prices and size group Nos. |     |     |     |     |     |     |     |     |     |     |     |     |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
|-------------------------------------|----------------|--------------|------|----------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
|                                     |                |              |      | 1                          | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  | 13  | 14 | 15   | 16   | 17   | 18   | 19   | 20   | 21   | 22   | 23   | 24   | 25   | 26   | 27   | 28   | 29   |      |      |
| SECTION NO. 3, HENRY COUNTY         |                |              |      |                            |     |     |     |     |     |     |     |     |     |     |     |     |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |
| Morgan, Ray (F. C. Morgan Coal Co.) | 1468           | Quality..... | 1    | 256                        | 250 | 245 | 235 | 230 | 225 | 185 | 165 | 160 | 155 | 155 | 125 | 115 | 60 | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... |

[F. R. Doc. 41-8594; Filed, November 17, 1941; 11:37 a. m.]

## DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.  
(Docket No. AO 153-A 1)

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE MARKETING AGREEMENT AND ORDER NO. 54, REGULATING THE HANDLING OF MILK IN THE DULUTH-SUPERIOR MARKETING AREA.

Notice is hereby given of a hearing to be held in the Woodman Hall, 2031 West First Street, Duluth, Minnesota, at 10:00 a. m., c. s. t., November 26, 1941, with respect to proposed amendments to the marketing agreement and Order No.

Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) revise the class prices for milk, including the price for Class I milk disposed of for relief distribution, the price for Class I milk disposed of outside the marketing area, and the price for Class II milk; (2) revise the formula for determining the butterfat differential; and (3) clarify the provisions with respect to (a) interhandler and nonhandler sales, (b) handlers who receive no milk from producers or new producers other than milk of their own production, and (c) the method of distributing emergency milk.

This public hearing is for the purpose of receiving evidence on proposed amendments submitted by the Twin Ports Cooperative Dairy Association, the Arrowhead Creamery Association, and the

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

Dated: November 14, 1941.

[SEAL] ROBERT H. SHIELDS,  
Assistant to the Secretary,  
of Agriculture.

[F. R. Doc. 41-8565; Filed, November 15, 1941;  
10:45 a. m.]

<sup>1</sup> Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

## DEPARTMENT OF LABOR.

## Wage and Hour Division.

## NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 17, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

## NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Comet Envelope and Paper Company, Inc., 5 East 17th Street, New York, New York; Converted Paper Products; 6 learners; 6 weeks for any one learner; 30 cents per hour; Sewing Machine Operator; February 23, 1942.

Dairy Products Company, 1622 Second Avenue, S. Birmingham, Alabama; Dairy Products; 2 learners; 4 weeks for any one learner; 25 cents per hour; Forming, lining and closing cartons; December 29, 1941.

Pearl Creamery Company, Pullman, Michigan; Dairy Products; 1 learner; 4 weeks for any one learner; 25 cents per hour; Butter Wrapper; February 23, 1942.

"Take-Along" Travel Chair Company, Thomasville, Georgia; Folding Chairs and Folding Furniture Novelties; 1 learner; 8 weeks for any one learner; 30 cents per hour; Woodworking Machine Operator; January 26, 1942.

"Take-Along" Travel Chair Company, Thomasville, Georgia; Folding Chairs and Folding Furniture Novelties; 1 learner; 4 weeks for any one learner; 30 cents per hour; Assembler; December 29, 1941.

Tennessee River Pearl Button Company, Clifton, Tennessee; Pearl Buttons; 2 learners; 8 weeks for any one learner; 25 cents per hour; Button Cutter; March 23, 1942.

Signed at Washington, D. C., this 17th day of November 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-8590; Filed, November 17, 1941;  
11:45 a. m.]

## NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 17, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

## NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

## Apparel

American Lady Corset Company, 1060 West Fort Street, Detroit, Michigan; Foundation Garments and Brassieres; 10 percent; November 17, 1942.

Atlanta Knitting Mills, Catskill, New York; Slips, Polo Shirts; 10 percent; November 17, 1942.

Bay State Manufacturing Company, Inc., 286 Congress Street, Boston, Massachusetts; Cotton and Rayon Dresses; 10 percent; November 17, 1942.

The Bayly-Underhill Manufacturing Company, 1200 West Ocean Boulevard, Long Beach, California; Overalls; 10 percent; November 17, 1942.

Belle-Craft Undergarment Company, 321 Cleveland Street, Brooklyn, New York; Ladies' Underwear; 1 learner; March 2, 1942.

Belmont Manufacturing Company, 321 N. 8th Street, Philadelphia, Pennsylvania; Ladies' Cotton and Rayon Dresses, Ladies' Cotton & Rayon Blouses; 10 percent; November 17, 1942.

California Manufacturing Company, California, Missouri; Single Pants; 10 percent; November 17, 1942.

Cooper Sportswear Manufacturing Company, 133 Monroe Street, Newark, New Jersey; Men's Leather Jackets and Sports Apparel; 5 learners; November 17, 1942.

Divineform Brassiere Company, Inc., 28 West 23rd Street, New York, New York; Brassieres and Girdles; 10 percent; March 2, 1942.

Domestic Overall and Pants Company, 28 North 3rd Street, Philadelphia, Pennsylvania; Overalls and Dungarees; 10 learners; April 6, 1942. (This certificate replaces one issued bearing expiration date of October 20, 1942.)

Edward's Athletic Clothing Company, 717 Lakeside Avenue, N. W., Cleveland, Ohio; Athletic Clothing; 5 learners; November 17, 1942.

Emmaus Shirt Company, Inc., Keystone Avenue and Ridge Street, Emmaus, Pennsylvania; Pajamas; 10 percent; November 17, 1942.

Franklin Garment Company, North Third Street, Chambersburg, Pennsylvania; Dresses; 10 percent; November 17, 1942.

Gem Garment Company, South Cedar Lane, Greencastle, Pennsylvania; Dresses; 10 percent; November 17, 1942.

Edward I. Gill, 57 Hope Street, Brooklyn, New York; Shirts; 10 learners; June 15, 1942.

L. N. Gross Company, Fayetteville, Tennessee; Cotton and Rayon Dresses; 10 percent; November 17, 1942.

L. N. Gross Company, 1220 West 3rd Street, Cleveland, Ohio; Cotton and Rayon Dresses; 10 percent; November 17, 1942.

Hampstead Clothing Company, Hampstead, Maryland; Men's Clothing; 5 percent; November 17, 1942.

Hickory Overall Company, 902 Federal Street, Hickory, North Carolina; Overalls, Pants, Work Shirts; 10 percent; November 17, 1942.

George Hirsch, Main and Oakford Streets, New Egypt, New Jersey; Ladies' Rayon Underwear; 8 learners; April 6, 1942.

George Hirsch, 2 Fifth Street, Lakewood, New Jersey; Ladies' Rayon Underwear; 10 learners; April 6, 1942.

Holly Cal Sportswear, 421 West 11th Street, Los Angeles, California; Men's Loafer Jackets and Sportswear; 2 learners; November 17, 1942.

Jobbers' Pants Company, Fayette Street, Martinsville, Virginia; Pants; 132 learners; April 6, 1942.

Johnson and Company, 100 S. Minnesota Avenue, St. Peter, Minnesota; Blanket Lined Coats; 2 learners; November 17, 1942.

Kaizel Garment Company, 1531 Washington Street, St. Louis, Missouri; Dresses; 5 learners; November 17, 1942.

Keystone Garment Company, North Stratton Street, Gettysburg, Pennsylvania; Dresses; 10 percent; November 17, 1942.

Jacob Kleiman, 80 Second Street, Mineola, New York; Washable Service Apparel; 10 learners; April 6, 1942.

LaVivante Foundations, Inc., 11 West 32nd Street, New York, New York; Corsets and Foundation Garments; 4 learners; March 2, 1942.

Lebanon Knitting Mills, Lebanon, Pennsylvania; Knitted Underwear; 10 percent; November 17, 1942.

S. Liebovitz and Sons, Inc., Snow Hill, Maryland; Men's Shirts; 10 learners; November 17, 1942.

Lov-e Brassiere Company, 7494 Santa Monica Boulevard, Hollywood, California; Brassieres and Brassiere Accessories; 5 learners; November 17, 1942.

Majestic Sportswear, Inc., 123 W. 3rd Street, Los Angeles, California; Sport Shirts; 3 learners; November 17, 1942.

Merit Lingerie, Inc., 483 Broadway, New York, New York; Cotton Gowns and Pajamas; 7 learners; March 2, 1942.

Metropolis Company, 1427 Vine Street, Philadelphia, Pennsylvania; Ladies' Blouses; 2 learners; November 17, 1942.

Nassau Brassiere Company, Inc., 205-7 Lawrence Avenue, Inwood, Long Island, New York; Foundation Corsets and Girdles; 10 learners; November 17, 1942.

New England Pants Company, Inc., 57 North Street, Willimantic, Connecticut; Men's & Boys' Trousers; 10 percent; November 17, 1942.

Nora Lee Lingerie Company, Inc., Church Street, Granville, New York; Ladies' Nightgowns; 10 learners; November 17, 1942.

Norris Manufacturing Company, Taylors, South Carolina; Slacks, Shirts; 40 learners; April 6, 1942.

Oswego Undergarment Company, 333 West First Street, Oswego, New York; Ladies' Slips; 5 learners; April 6, 1942.

Parkville Shirt Company, 521 River Street, Troy, New York; Shirts; 10 percent; November 17, 1942.

J. B. Pearson Company, Main Street, Thomaston, Maine; Sportswear, Mackinaws, Coats; 10 learners; November 17, 1942.

Perfect Trouser Company, Inc., 26th and Reed Streets, Philadelphia, Pennsylvania; Pants and Jackets; 10 percent; November 17, 1942.

Pleasant Novelty Company, 177 Granite Street, Manchester, New Hampshire; Boys' Cotton Wash Suits; 2 learners; November 17, 1942.

Progressive Clothing Manufacturing Company, Broad and Carpenter Streets, Philadelphia, Pennsylvania; Men's Clothing and Uniforms; 5 percent; November 17, 1942.

J. B. Simpson, Inc., 843 West Adams Street, Chicago, Illinois; Men's Suits and Overcoats; 5 percent; November 17, 1942.

D. H. Smith, Inc., 601 Washington Street, Lynn, Massachusetts; Dresses; 10 percent; November 17, 1942.

Standard Garment Company, Inc., 120 N. George Street, York, Pennsylvania; Ladies' Cotton Dresses; 10 learners; November 17, 1942.

Standard Overall Company, 701 West Pratt Street, Baltimore, Maryland; Overall and Dress Shirts; 10 learners; November 17, 1942.

Style Wear Manufacturing Company, 441 Chapel Street, New Haven, Connecticut; Pajamas; 10 learners; May 17, 1942.

Tate Manufacturing Company, Inc., 518-520 Craghead Street, Danville, Virginia; 5 learners; Coveralls, Shop Coats, Pants, Shirts, Jackets, Aprons; May 17, 1942.

Tennessee Overall Company, 401 Atlantic Street, Tulahoma, Tennessee; Overalls and Work Pants; 12 learners; April 6, 1942.

Toyland Togs, Inc., 684 Washington Street, Boston, Massachusetts; Dresses; 7 learners; April 6, 1942.

Morris Trichon Company, Inc., 919 Walnut Street, Philadelphia, Pennsylvania; Shirts; 10 learners; May 17, 1942.

Valley Garment Manufacturing Company, 322 East Iowa Street, Spring Valley, Illinois; Pinafore Aprons; 1 learner; November 17, 1942.

White Fabric Company, 1954 University Avenue, St. Paul, Minnesota; Nurses' Uniforms; 1 learner; November 17, 1942.

Wilhoite-Evans and Cohn, Inc., 945 S. Los Angeles Street, Los Angeles, California; Men's Sport Clothing; 5 learners; November 17, 1942.

Wilmington Manufacturing Company, 900 Church Street, Wilmington, Delaware; Women's Wear, Boys' Wash Suits; 10 percent; November 17, 1942.

#### *Artificial Flowers and Feathers*

Zunino-Altman, 120 East 16th Street, New York, N. Y.; Decorative Flowers; 16 learners; December 29, 1941.

#### *Gloves*

Canvas Glove Manufacturing Works, Inc., 294 Graham Avenue, Brooklyn, New York; Work Gloves; 5 percent; November 17, 1942.

The Enoch Manufacturing Company, Mt. Sterling, Kentucky; Work Gloves; 48 learners; May 17, 1942.

Royalknit Glove Corporation, 19 West State Street, Johnstown, New York; Knit Wool Gloves; 5 learners; November 17, 1942.

Scotsmoor Company, Inc., 29 North Market Street, Johnstown, New York; Knit Wool Gloves; 10 percent; May 17, 1942.

#### *Hosiery*

Browns Hosiery Mills, Inc., Holt Street, Burlington, North Carolina; Seamless Hosiery; 5 learners; November 17, 1942.

Burdwyn Hosiery Mills, Inc., King and Quinter Streets, Pottstown, Pennsylvania; Full Fashioned Hosiery; 3 learners; November 17, 1942.

Conover Knitting Company, Newton, North Carolina; Seamless Hosiery; 4 learners; July 10, 1942.

Conover Knitting Company, Conover, North Carolina; Seamless Hosiery; 3 learners; July 10, 1942.

Dexdale Hosiery Mills, W. Main Street, Lansdale, Pennsylvania; Full Fashioned Hosiery; 5 percent; November 17, 1942.

Dolly Hosiery Mills, Inc., Valdese, North Carolina; Seamless Hosiery; 4 learners; November 17, 1942.

Doylestown Finishing Company, Union and Hamilton Street, Doylestown, Pennsylvania; Seamless and Full Fashioned Hosiery; 10 learners; July 17, 1942.

Elizabeth James Mills No. 2, Logan Street, Marion, North Carolina; Full Fashioned Hosiery; 5 percent; November 17, 1942.

Foster Hosiery Mill, 600 Cameron Street, Burlington, North Carolina; Full Fashioned Hosiery; 10 learners; July 17, 1942.

Hazel Knitting Mill, 602 Cameron Street, Burlington, North Carolina; Full Fashioned Hosiery; 8 learners; July 17, 1942.

Newnan Hosiery Mills, Inc., Berry Avenue, Newnan, Georgia; Seamless Hosiery; 5 percent; November 17, 1942.

Pine Hosiery Mills, Inc., Star, North Carolina; Seamless Hosiery; 5 learners; November 17, 1942.

Shuford Hosiery Mills, Inc., East Highland Avenue, Hickory, North Carolina; Seamless Hosiery; 5 learners; November 17, 1942.

Tricnit Hosiery Mill, Main Street, Greenville, New Hampshire; Seamless Hosiery; 11 learners; July 17, 1942.

Vance and Crawford, Salem Street, Kernersville, North Carolina; Seamless Hosiery; 8 learners; July 17, 1942.

Wilkes-Barre Hosiery Mills, 173 Gilligan Street, Wilkes-Barre, Pennsylvania; Full Fashioned Hosiery; 4 learners; November 17, 1942.

#### *Telephone*

Northwestern Illinois Utilities, 214 Main Street, Savanna, Illinois, Savanna Exchange; to employ learners as commercial and switchboard operators until November 17, 1942.

## FEDERAL REGISTER, Tuesday, November 18, 1941

*Knitted Wear*

Luxuray, Incorporated, Willit Street, Fort Plain, New York; Knitted Underwear; 15 learners; November 17, 1942.

Sakura Mills, Inc., Kane, Pennsylvania; Knitted Underwear; 5 percent; November 17, 1942.

Van Raalte Company, Inc., 84 Sweeney Street, North Tonawanda, New York; Knitted Underwear and Commercial Knitting; 8 learners; November 17, 1942.

Ware Knitters, Inc., East Main Street, Ware, Massachusetts; Knitted Underwear and Outerwear; 16 learners; November 17, 1942.

*Textile*

W. S. Libbey Company, Mill Street, Lewiston, Maine; Cotton Blankets, Cotton Piece Goods; 3 percent; November 17, 1942.

Moore and Cram Webbing Company, Beharrell Street, West Concord, Massachusetts; Narrow Woven Fabrics and Non-Elastic Webbing; 2 learners; November 17, 1942.

Pioneer Fabric Company, Braid Street, Gadsden, Alabama; Rayon Veils and Nets, Elastic Rayon and Cotton Braids; 8 learners; November 17, 1942.

Rocky Mount Mills, Rocky Mount, North Carolina; Cotton Yarns; 3 percent; November 17, 1942.

The Ufford Textile Company, Second Street, Norwich, Connecticut; Cotton Yarns; 1 learner; November 17, 1942.

Valdese Weaving Company, Valdese, North Carolina; Cotton Yarns and Upholstery Fabrics; 3 percent; November 17, 1942.

*Woolen*

River Mills, Inc., 206 Globe Mills Avenue, Fall River, Massachusetts; Yarns; 40 learners; March 23, 1942.

River Mills, Inc., 206 Globe Mills Avenue, Fall River, Massachusetts; Yarns; 3 percent; November 17, 1942.

Signed at Washington, D. C., this 17th day of November 1941.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-8600; Filed, November 17, 1941;  
11:45 a. m.]

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**NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS ON THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 31 FOR THE MISCELLANEOUS APPAREL INDUSTRY**

Whereas a hearing has been held on October 27, 1941, before Major Robert N. Campbell, Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 31 for the establishment of a minimum wage in the Miscellaneous Apparel Industry were given an opportunity to be heard and to offer evidence relevant thereto; and

Whereas the complete record of said hearing has been transmitted to the Administrator;

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than twelve copies) on or before November 24, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at the said hearing, based upon the complete record compiled thereat.

Signed at Washington, D. C., this 14th day of November 1941.

BAIRD SNYDER, III,  
Acting Administrator.

[F. R. Doc. 41-8602; Filed, November 17, 1941;  
11:45 a. m.]

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**NOTICE OF FURTHER HEARING ON THE HOME WORK PROBLEM IN THE WOMEN'S APPAREL INDUSTRY, TO BE HELD JANUARY 13, 1942, AT WASHINGTON, D. C.**

Whereas in accordance with notice of hearing published in the **FEDERAL REGISTER** for July 1, 1941, a hearing was held on July 28 and 29, 1941, for the purpose, inter alia, of securing evidence to determine what, if any prohibition, restriction, or regulation of home work in the Women's Apparel Industry, as defined in Administrative Order No. 103, is necessary to carry out the purposes of a wage order issued for such industry, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein in the event a 40 cent minimum recommended by Industry Committee No. 27 were approved for such industry; and

Whereas after consideration of the evidence adduced at the same hearing, the Administrator, by order published in the **FEDERAL REGISTER** for September 13, 1941, approved a 40 cent minimum wage rate, effective September 29, 1941, for the Women's Apparel Industry in conformance with his authority under Section 8 of the Fair Labor Standards Act of 1938; and

Whereas after consideration of the evidence introduced at the hearing on the question of what prohibition, restriction, or regulation of home work in this industry is necessary to carry out the purposes of a wage order for this industry, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rate established therein, the Administrator determined it advisable to take further evidence in this matter before deciding whether he should issue an order under the terms of section 8 (f) of the Act;

Now, therefore, notice is hereby given that:

I. A public hearing will be held on January 13, 1942, before Major Robert N. Campbell as Presiding Officer at 10:00 a. m., Room 3229 of the United States Department of Labor Building at Wash-

ington, D. C., for the purpose of taking further evidence on the following question:

What, if any, prohibition, restriction or regulation of home work in the Women's Apparel Industry is necessary to carry out the purposes of the wage order effective September 29, 1941, to prevent the circumvention or evasion of such order, and to safeguard the 40 cent minimum wage rate established therein.

II. The definition of the Women's Apparel Industry as set forth in Administrative Order No. 103, issued May 9, 1941, is as follows:

The production of women's, misses', and juniors' dresses, washable service garments, blouses, and neckwear from woven or purchased knit fabric; women's, misses', children's and infants' underwear, nightwear, and negligees from woven fabric; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear. The definition of the women's apparel industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. Any interested person may appear at the aforesaid hearing to offer evidence on the home work question, either on his own behalf or on behalf of any other person: *Provided,* That not later than December 23, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor,

Washington, D. C., and shall be deemed filed upon receipt thereof.

IV. Any person interested in the home work question may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

V. A transcript of the testimony taken at the original hearing of July 28 and 29, 1941, and the exhibits introduced at such hearing relating to the home work question, will be offered in evidence at this hearing, and will be available for inspection at the Department of Labor Building by any interested person who intends to appear at the aforesaid hearing.

VI. The hearing will be conducted in accordance with the rules issued for the original hearing in a notice of hearing published in the FEDERAL REGISTER on July 1, 1941.

Signed at Washington, D. C., this 3d day of November 1941.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 41-8603; Filed, November 17, 1941;  
11:46 a. m.]

**NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS OF THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 33 FOR THE PASSENGER MOTOR CARRIER INDUSTRY**

Whereas a hearing has been held on October 30, 1941, before Major Robert N. Campbell as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 33 for the establishment of a minimum wage in the Passenger Motor Carrier Industry were given an opportunity to be heard and to offer evidence relevant thereto; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than twelve copies) on or before November 24, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at the said hearing, based upon the complete record compiled thereat.

Signed at Washington, D. C., this 14th day of November, 1941.

BAIRD SNYDER, III,  
Acting Administrator.

[F. R. Doc. 41-8601; Filed, November 17, 1941;  
11:45 a. m.]

**FEDERAL COMMUNICATIONS COMMISSION.**

[Docket No. 6215]

**IN RE APPLICATION OF CHARLES P. BLACKLEY (NEW)**

**NOTICE OF HEARING**

Application dated August 15, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Staunton, Virginia; operating assignment specified: Frequency, 1240 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To obtain full information with respect to the relationships, the nature, extent and effect thereof, between Charles P. Blackley and the licensee of Station WSVA.

2. To determine the areas and populations now receiving primary service from Station WSVA which would receive similar service from the station proposed herein.

3. To determine the type and character of the program service which applicant may be expected to render, and the extent to which such service is now being rendered by any other station or stations serving the proposed service area in whole or in part.

4. To determine whether in view of the facts adduced under the foregoing issues public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Charles P. Blackley, 333 South Liberty Street, Harrisonburg, Virginia.

Dated at Washington, D. C., November 13, 1941.

By the Commission.

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 41-8562; Filed, November 15, 1941;  
9:38 a. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

[File No. 70-436]

**IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY**

**NOTICE REGARDING FILING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than December 2, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company, proposes to issue a note dated on or about December 20, 1941, maturing not later than nine months thereafter in an amount not to exceed \$100,000 payable to Mississippi Valley Trust Company, with interest at a rate not in excess of 2% per annum. It is stated that the proceeds of the note will be used to reimburse the company's treasury, in part, for amounts expended on various construction projects from June 1, 1939 to September 30, 1941.

The first sentence of section 6 (b) of the Act is designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8581; Filed, November 17, 1941;  
11:32 a. m.]

[File No. 1-802]

**IN THE MATTER OF FANNY FARMER CANDY SHOPS, INC., \$1 PAR VALUE COMMON STOCK**

**ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of November, A. D. 1941.

The Fanny Farmer Candy Shops, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its \$1 Par Value Common Stock from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10 A. M. on Friday, December 12, 1941 at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8582; Filed, November 17, 1941;  
11:32 a. m.]

[File No. 812-230]

**IN THE MATTER OF NATIONAL SHAREHOLDERS CORPORATION**

**NOTICE OF AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of this Commission that the applicant be granted a temporary exemption from the provisions of section 10 (a) and (b) of said Act until December 1, 1941;

*It is ordered,* That a hearing on the matter of the aforesaid application of

the above named applicant under and pursuant to section 6 (c) of the Investment Company Act of 1940 be held on November 24, 1941, at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C.

*It is further ordered,* That Robert P. Reeder, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8583; Filed, November 17, 1941;  
11:32 a. m.]

[File No. 59-33]

**IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, RESPONDENTS**

[File No. 70-263]

**IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION**

[File No. 70-371]

**IN THE MATTER OF COLUMBIA OIL & GASOLINE CORPORATION**

[File No. 70-387]

**IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY**

[File No. 70-430]

**IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, THE OHIO FUEL GAS COMPANY**

[File No. 70-431]

**IN THE MATTER OF COLUMBIA OIL & GASOLINE CORPORATION**

**NOTICE OF AND ORDER OF CONSOLIDATION; NOTICE OF AND ORDER SETTING DATE FOR HEARING; ORDER OVERRULING OBJECTION AND DIRECTING PROCEDURE TO BE FOLLOWED IN PRESENTATION OF EVIDENCE**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

Applications, declarations, or amendments having been filed, since the hearing herein on October 30, 1941, by Co-

lumbia Gas & Electric Corporation and The Ohio Fuel Gas Company (File No. 70-430), by Columbia Oil & Gasoline Corporation (File No. 70-431), and by Panhandle Eastern Pipe Line Company (File No. 70-387) in respect of their respective parts in the following proposed transactions:

(1) The sale by Columbia Gas & Electric Corporation to Panhandle Eastern Pipe Line Company of the stock and indebtedness of Michigan Gas Transmission Corporation and of Indiana Gas Distribution Corporation;

(2) The sale by The Ohio Fuel Gas Company to Panhandle Eastern Pipe Line Company of certain gas pipe lines in Indiana and Ohio;

(3) The retirement or redemption by Panhandle Eastern Pipe Line Company of all of the \$10,000,000 aggregate par value of its Class A Preferred Stock now held by Columbia Oil & Gasoline Corporation, and the related disposition by Columbia Oil & Gasoline Corporation of said stock;

(4) The application by Columbia Oil & Gasoline Corporation of the proceeds of its disposition of said Class A Preferred Stock of Panhandle Eastern Pipe Line Company, plus available cash on hand, to the acquisition, for retirement and cancellation, of approximately \$11,000,000 principal amount of Twenty-Year Debentures of Columbia Oil & Gasoline Corporation held by Columbia Gas & Electric Corporation;

(5) The issue and sale by Panhandle Eastern Pipe Line Company of \$10,000,000 aggregate principal amount First Mortgage and First Lien 3% Bonds, Series C, due November 1, 1960, and of \$15,000,000 aggregate par value of Cumulative Preferred Stock, consisting of 150,000 shares of the par value of \$100 each—the proceeds of such securities to be used in connection with the transactions mentioned in sub-paragraphs (1), (2), and (3) above and to pay part of the cost of certain construction;

said applications, declarations, or amendments being hereinafter referred to as "subsequent filings"; and

The following sections of the Public Utility Holding Company Act of 1935 and the following rules thereunder having been designated in said "subsequent filings" by the respective applicants or declarants as being applicable:

(1) Sections 12 (d) and 12 (f) and Rules U-43 and U-44, by Columbia Gas & Electric Corporation and The Ohio Fuel Gas Company;

(2) Sections 12 (e) and 12 (f) and Rules U-42 and U-43, by Columbia Oil & Gasoline Corporation;

(3) Sections 6, 9, 10, and 12 (c) and Rules U-42 and U-50, by Panhandle Eastern Pipe Line Company; and

Columbia Gas & Electric Corporation being a registered public utility holding company and a subsidiary company of The United Corporation, also a registered

public utility holding company; Columbia Oil & Gasoline Corporation being a subsidiary company of Columbia Gas & Electric Corporation; Panhandle Eastern Pipe Line Company being a subsidiary company of both Columbia Gas & Electric Corporation and Columbia Oil & Gasoline Corporation; Michigan Gas Transmission Corporation, Indiana Gas Distribution Corporation, and The Ohio Fuel Gas Company being wholly-owned subsidiaries of Columbia Gas & Electric Corporation; and

The Commission having heretofore consolidated proceedings in respect of: (1) the application and amendment thereto bearing File No. 70-263 filed by Columbia Gas & Electric Corporation and a second amendment thereto filed by Columbia Gas & Electric Corporation in which The Ohio Fuel Gas Company joined; (2) the application and amendment thereto filed by Columbia Oil & Gasoline Corporation bearing File No. 70-371; (3) the application filed by Panhandle Eastern Pipe Line Company bearing File No. 70-387; and (4) proceedings instituted by the Commission against Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, and Indiana Gas Distribution Corporation, and each of them, under sections 11 (b) (1), 11 (b) (2), 12 (c), 12 (f), and 15 (f) of the Act and bearing File No. 59-33; and

It having been proposed in the hearing held October 30, 1941, that the order of procedure previously directed by the Commission be modified so as to permit the introduction of evidence and consideration of applications, declarations, or amendments proposed to be filed by certain of the respondents and The Ohio Fuel Gas Company; and

Missouri-Kansas Pipe Line Company having objected to such modification and requested oral argument before the Commission; and

The Commission having heard oral argument on said objection and having given a full, fair and adequate hearing thereon to Missouri-Kansas Pipe Line Company, and to all others appearing herein, and having given full, fair and adequate consideration to all the arguments presented and to the issues involved; and

It appearing to the Commission that such objection should be overruled; and

It further appearing to the Commission that substantial savings in time, effort and expense, and substantial progress toward the speedy and effective carrying out of the purposes of the Act and of the applicable provisions thereof, and adequate protection of any and all rights and interests herein of Missouri-Kansas Pipe Line Company, of the City of Detroit, and of all others appearing herein, will result from the consolidation of the hearings on the aforementioned "subsequent filings" with one another and with the proceedings heretofore consolidated herein so that they may be heard as one

matter and so that evidence heretofore or hereafter adduced in each matter may stand as evidence in each other matter for all purposes, and that such advantages will also result from the further provisions of this order; and

It further appearing to the Commission that the matters referred to above are related and involve common questions of law and fact and that evidence offered in respect of each of the matters may have a bearing on the others;

*It is hereby ordered,* That the aforementioned objection of Missouri-Kansas Pipe Line Company be and the same hereby is overruled; and

*It is further ordered,* That the hearing in the proceedings heretofore consolidated herein, which on October 30, 1941, was adjourned until 10:00 A. M. November 18, 1941, be and it hereby is consolidated with and set for the time and place of the consolidated hearing as hereinafter set forth; and

*It is further ordered,* That the proceedings heretofore mentioned in this order or here involved be consolidated for hearing and that a hearing on such matters under the applicable provisions of the Act and the Rules promulgated thereunder be held on November 25, 1941, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such day by the hearing room clerk in Room 1102; and

*It is further ordered,* That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice; and

*It is further ordered,* That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order, by registered mail, to Columbia Gas & Electric Corporation; Columbia Oil & Gasoline Corporation; Panhandle Eastern Pipe Line Company; Michigan Gas Transmission Corporation; Indiana Gas Distribution Corporation; The Ohio Fuel Gas Company; Missouri-Kansas Pipe Line Company; Gano Dunn, Trustee; City of Detroit, Michigan; City of Cincinnati, Ohio; Public Utilities Commission of Ohio; William H. Danforth; Abner Goldman; Department of Justice, Anti-Trust Division; Kansas Corporation Commission; and Federal Power Commission; and that notice of said hearing is hereby given to all security holders of the parties herein and their subsidiary companies, in all consumers of said companies, to all states, municipalities, or political sub-divisions of states and foreign countries in which are located any of the assets of the holding company system of Columbia Gas & Electric Corporation or under the laws of

which any of such companies are incorporated, to all state commissions, state security commissions, and all agencies, authorities, or instrumentalities of one or more states, municipalities, or other political sub-divisions having jurisdiction over Columbia Gas & Electric Corporation or any subsidiary company thereof, or over any of the business affairs of any of them, and to all other persons, such notice to be given by a general release of the Commission, distributed to the Press and mailed to the mailing list for releases issued under the Act and by publication of this notice and order in the FEDERAL REGISTER; and

*It is further ordered,* That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission on or before November 21, 1941, a written statement relative thereto; and any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided by Rule XVII of the Commission's Rules of Practice; and

*It is further ordered,* In the interest of expeditious procedure that all evidence in the proceedings heretofore consolidated (File Nos. 59-33, 70-263, 70-371 and 70-387), so far as relevant to the issues herein, shall be incorporated in the record of the proceeding herein ordered and shall be regarded as evidence duly adduced in the present proceeding, subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced; and such further objections and exceptions as may be made by any party in the within proceeding; and

*It is further ordered,* That the right be and it hereby is reserved, if at any time it may appear conducive to an orderly and economic disposition of any matter consolidated for hearing herein, to order a separate hearing, to close the record, or to take action on such matter prior to closing the record on any other matter or proceeding herein; and

*It is further ordered,* That upon the resumption of hearings in this consolidated proceeding, evidence bearing upon the issues raised by said "subsequent filings" (File Nos. 70-430, 70-431, and 70-387) shall first be introduced; and thereafter evidence relating to the remaining issues raised under Section 11 (b) (1) of the Act shall be introduced; and that thereafter evidence relating to the remaining issues in this consolidated proceeding shall be introduced in accordance with the further direction of the Commission; any direction in the fourth ordering clause of the Commission's order herein dated October 15, 1941, to the contrary notwithstanding: *Provided, however,* That the Commission hereby reserves the right at any time and from time to time to direct that evidence bearing upon any and all issues herein be introduced at such time and in such order as it may direct, and hereby further reserves the right at any time and from time to time to order any

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change in the priority of receiving evidence herein and to change any procedure herein or any provision of this order, and hereby further reserves the right at any time and from time to time to issue any appropriate order or orders pursuant to the provisions of the Act, insofar as may be in conformity with the Act, the Rules thereunder and any applicable law; and notice is hereby given of such reservations.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8584; Filed, November 17, 1941;  
11:32 a. m.]

[File No. 1-1799]

IN THE MATTER OF UNION COPPER LAND &  
MINING COMPANY \$25 PAR VALUE CAPITAL STOCK

ORDER GRANTING APPLICATION TO STRIKE  
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1941.

The Boston Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$25 Par Value Capital Stock of Union Copper Land & Mining Company.

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective November 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8585; Filed, November 17, 1941;  
11:33 a. m.]

[File No. 1-2845]

IN THE MATTER OF AMERICAN CENTRIFUGAL CORPORATION \$1 PAR VALUE COMMON STOCK

ORDER GRANTING APPLICATION TO STRIKE  
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1941.

The New York Curb Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$1 Par Value Common Stock of American Centrifugal Corporation.

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective November 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8586; Filed, November 17, 1941;  
11:33 a. m.]

[File No. 70-394]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION AND MINNESOTA UTILITIES COMPANY

ORDER PERMITTING POST-AMENDMENT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

American Utilities Service Corporation, a registered holding company, and Minnesota Utilities Company, its subsidiary company, having heretofore filed a declaration pursuant to Rules U-42 and U-44 promulgated under the Public Utility Holding Company Act of 1935, regarding the sale by said Minnesota Utilities Company of certain of its utility assets to Otter Tail Power Company and the acquisition and retirement by said American Utilities Service Corporation of not to exceed \$400,000 principal amount of its Collateral Trust 6% Bonds, Series A; and

The Commission by its order of October 7 herein permitted said declaration to become effective; and

American Utilities Service Corporation having on November 7, 1941, filed a post-amendment pursuant to Rule U-62 with reference to a form of communication to be sent to bondholders; and

The Commission having considered the form of communication and finding it not objectionable to the standards of Rule U-62:

*It is ordered*, That said post-amendment be and become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8587; Filed, November 17, 1941;  
11:33 a. m.]

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